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By: Brown of Kaufman, Berman, Bohac, Riddle,
et al.

H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place the voter's voter registration certificate and either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the registration certificate is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the proof presented, the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [~~registration certificate~~] to the voter.

(g) If the requirements for identification prescribed by

H.B. No. 218

1 Subsection (b) are not met, the voter may be accepted for
2 provisional voting only under Section 63.011.

3 SECTION 2. Section 63.006(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
6 registration certificate indicating that the voter is currently
7 registered in the precinct in which the voter is offering to vote,
8 but whose name is not on the precinct list of registered voters,
9 shall be accepted for voting if the voter's identity can be verified
10 from the proof presented.

11 SECTION 3. Section 63.007(a), Election Code, is amended to
12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter
14 registration certificate indicating that the voter is currently
15 registered in a different precinct from the one in which the voter
16 is offering to vote, and whose name is not on the precinct list of
17 registered voters, shall be accepted for voting if the voter's
18 identity can be verified from the proof presented and the voter
19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is
21 offering to vote or is otherwise entitled by law to vote in that
22 precinct;

23 (2) was a resident of the precinct in which the voter
24 is offering to vote at the time that information on the voter's
25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to
27 secure registration in a precinct in which the voter does not

H.B. No. 218

1 reside; and

2 (4) is voting only once in the election.

3 SECTION 4. Section 63.008(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented [~~voter presents proof of~~
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 5. Section 63.0101, Election Code, is amended to
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card
20 issued to the person by the Department of Public Safety that has not
21 expired or that expired no earlier than two years before the date of
22 presentation [~~or a similar document issued to the person by an~~
23 ~~agency of another state, regardless of whether the license or card~~
24 ~~has expired~~];

25 (2) a United States military identification card that
26 contains the person's photograph [~~form of identification~~
27 ~~containing the person's photograph that establishes the person's~~

H.B. No. 218

1 ~~identity];~~

2 (3) a valid employee identification card that contains
 3 the person's photograph and is issued by an employer of the person
 4 in the ordinary course of the employer's business [~~birth~~
 5 ~~certificate or other document confirming birth that is admissible~~
 6 ~~in a court of law and establishes the person's identity)];~~

7 (4) a United States citizenship certificate [~~papers~~]
 8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public
 11 or private institution of higher education located in Texas that
 12 contains the person's photograph [~~official mail addressed to the~~
 13 ~~person by name from a governmental entity)]; or~~

14 (7) a license to carry a concealed handgun issued to
 15 the person by the Department of Public Safety.

16 (b) The following documentation is acceptable as proof of
 17 identification under this chapter:

18 (1) a copy of a current utility bill, bank statement,
 19 government check, paycheck, or other government document that shows
 20 the name and address of the voter;

21 (2) official mail addressed to the person by name from
 22 a governmental entity;

23 (3) a certified copy of a birth certificate or other
 24 document confirming birth that is admissible in a court of law and
 25 establishes the person's identity;

26 (4) United States citizenship papers issued to the
 27 person;

H.B. No. 218

(5) an original or certified copy of the person's marriage license or divorce decree;

(6) court records of the person's adoption, name change, or sex change;

(7) an identification card issued to the person by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;

(8) a temporary driving permit issued to the person by the Department of Public Safety;

(9) a pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;

(10) a library card that contains the person's name issued to the person by a public library located in this state; or

(11) a hunting or fishing license issued to a person by the Parks and Wildlife Department [or

~~(8) any other form of identification prescribed by the secretary of state].~~

SECTION 6. Section 63.011(a), Election Code, is amended to read as follows:

(a) A person to whom Section 63.001(g), 63.008(b), or 63.009(a) applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

H.B. No. 218

1 SECTION 7. Section 521.422, Transportation Code, is amended
2 by amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for
5 a personal identification certificate is:

6 (1) \$15 for a person under 60 years of age;

7 (2) \$5 for a person 60 years of age or older; and

8 (3) \$20 for a person subject to the registration
9 requirements under Chapter 62, Code of Criminal Procedure.

10 (d) The department may not collect a fee for a personal
11 identification certificate issued to a person who executes an
12 affidavit stating that the person is financially unable to pay the
13 required fee and:

14 (1) who is a registered voter in this state and
15 presents a valid voter registration certificate; or

16 (2) who is eligible for registration under Section
17 13.001, Election Code, and submits a registration application to
18 the department.

19 SECTION 8. This Act takes effect September 1, 2007.

BILL ANALYSIS

H.B. 218
By: Brown, Betty
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, to vote a regular ballot, voters are only required to present their voter registration certificates to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. H.B. 218 modifies provisions requiring a voter to present proof of identification when offering to vote.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 218 amends the Election Code by adding that on offering to vote, a voter must present to an election officer at the polling place, either one form of acceptable photo identification or two different forms of identification which are not required to contain a photo. If the voter's identity can be verified from the proof presented, and the voter complies with existing provisions relating to eligibility to vote, the bill requires that the voter be accepted for voting.

The bill provides that a person who fails to show either photo identification or two forms of identification which are not required to contain a photo maybe accepted to vote a provisional ballot only under Section 63.011 of the Election Code.

H.B. 218 modifies the list of acceptable forms of identification for the purposes of voting. The bill provides that the following are acceptable forms of photo identification:

- * driver's license or personal identification card issued by the Department of Public Safety (DPS) that has not expired or expired no earlier than two years before the date of presentation;
- * U.S. military identification card that contains the person's photograph;
- * Valid employee identification card containing the person's photograph and is issued by an employer of the person in the ordinary course of the employer's business;
- * U.S. citizenship certificate issued to the person that contains the person's photograph;
- * U.S. passport issued to the person;
- * student identification card issued by a public or private institution of higher education located in Texas that contains the person's photograph; or
- * License to carry a concealed handgun issued to the person by DPS.

H.B. 218 80(R)

The bill provides that the following are acceptable forms of identification which are not required to contain a photo:

- * copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
- * official mail addressed to the person by name from a governmental entity;
- * certified copy of a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
- * U.S. citizenship papers issued to the person;
- * original or certified copy of a person's marriage license or divorce decree;
- * court records of a person's adoption, name or sex change;
- * identification card issued by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
- * temporary driving permit issued to the person by DPS;
- * Pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;
- * Library card, containing the person's name, issued to the person by a public library located in this state; or
- * hunting or fishing license issued to the person by the Parks and Wildlife Department.

The bill removes: driver's license or personal identification card issued by another state; any form of identification containing a person's photograph that establishes the person's identity; and any other form of identification prescribed by the secretary of state, from the list of acceptable identification.

H.B. 218 amends the Transportation Code by prohibiting DPS from collecting a fee for a personal identification certificate if the person applying for the certificate executes an affidavit stating that the person is financially unable to pay the required fee. In order for the fee to be waived, the bill requires that the person:

- * is a registered voter and present a valid registration certificate; or
- * is eligible for registration and submit a registration application.

EFFECTIVE DATE

September 1, 2007.

Job No. 333068

HOUSE COMMITTEE ON ELECTIONS
HOUSE FLOOR DEBATE
VOLUME I

1 THE SPEAKER: The Chair lays out a second
2 reading. House Bill 218.

3 The clerk will read the bill.

4 THE CLERK: HB 218 by Brown of Kaufman
5 requiring a voter to present proof of identification.

6 THE SPEAKER: The Chair recognizes Brown.

7 REPRESENTATIVE BROWN: Mr. Speaker, Members
8 in the 1960s Americans fought a civil rights battle to
9 insure the right of everyone to vote. But every
10 American also has an equal right, equal civil right not
11 to have their ballot cancelled out by someone who
12 shouldn't be voting, who's voting twice or some in some
13 cases, has long since died.

14 Voting is the most basic building block of
15 our system of representative democracy.

16 Members, Members, voting is the most basic
17 building block --

18 THE SPEAKER: Members, we've got a long
19 afternoon ahead of us. If you'll let Ms. Brown have
20 your attention, move your conversations outside the
21 rail, I'd appreciate it. Thank you.

22 Go ahead, Ms. Brown.

23 REPRESENTATIVE BROWN: Voting is the most
24 basic building block of our system of representative
25 democracy. I don't think there's anyone in this room

1 that would disagree with me on that statement.

2 Polls show that voters are losing
3 confidence in the integrity of our elections and that
4 people are more likely to vote if they believe their
5 ballot will be fairly counted.

6 In a Wall Street Journal NBC news poll last
7 April found that 80 percent of Americans favored a photo
8 ID requirement with only seven percent opposed.

9 However, a more recent poll conducted
10 basically finds that 85 percent of Texans, regardless of
11 income level or race, favor photo ID.

12 Why do we so easily require photo ID to
13 board a plane or buy a beer or cigarettes, while leaving
14 a ballot box so undefended?

15 Americans are frequently asked to show
16 identification for even the most mundane activities,
17 such as to rent a DVD, check out a library book. Board
18 an airplane, buy alcohol or tobacco, to belong to bulk
19 retail clubs, such as Sam's Club. To purchase cold
20 medications, such as Sudafed.

21 In each of these instances, the right to
22 vote trumps all of these in importance. A worker at the
23 polling place should be able to verify the identity of
24 the voter.

25 Photo ID is just one step to protect the

1 integrity of the voting process. The Election Code sets
2 forth after forth a myriad of procedures set forth that
3 the process is fair.

4 First among these is that a person must be
5 18 years old and a citizen to vote. Regulations extend
6 from there to the registration process to the conduct of
7 the election officers.

8 Photo ID is simply purchasing putting into
9 practice the intent of the current code, and that is the
10 person who shows at the poll is the person he claims to
11 be.

12 REPRESENTATIVE ANCHIA: Mr. Speaker.

13 THE CHAIR: For what purpose, Mr. Anchia?

14 REPRESENTATIVE ANCHIA: Will the gentlelady
15 yield?

16 THE SPEAKER: Will you yield?

17 REPRESENTATIVE BROWN: I will not at this
18 time.

19 THE SPEAKER: Not at this time.

20 REPRESENTATIVE ANCHIA: Thank you.

21 REPRESENTATIVE BROWN: Voter impersonation
22 is a serious crime, but without a photo ID requirement
23 we can never have confidence in our system of voting.

24 Without voter verification the Election
25 Code is a law without meaning. Currently all that's

1 needed to vote is a voter card. Individuals are not
2 required to show identification, even to register to
3 vote.

4 On June 22, 2006, Harris County, Tax
5 Assessor and Voter Registrar, Paul Betencort, testified
6 before the U.S. House Administration committee that in
7 2005 he identified at least 35 foreign nationals who
8 either applied or received voter registration cards.

9 Mr. Betencort told the Committee that a
10 Brazilian woman registered had her registration
11 cancelled, reregistered claiming to be a citizen and had
12 her registration cancelled again.

13 While registered, she voted, at least, four
14 times in general and primary elections.

15 Before January 1, 2006 there was no check
16 done on a voter registration application to see if the
17 applicant was a valid person.

18 In January, 2006 HAVA was implemented and
19 now all new applicants must provide a Social Security
20 number or Texas driver's license. This is now checked
21 to make sure that those are checked now to make sure the
22 person applying is a valid person.

23 All registrations on record before
24 January 1, 2006 were grandfathered in and no validation
25 check was performed on these records under the current

1 HAVA law. If you indicate you have neither a Texas
2 Driver's License nor Social Security number, there's no
3 check being done and the person is automatically being
4 registered.

5 In Harris County voter database consists of
6 1.7 million voters, of which 253,000 voters we cannot
7 validate their ID against the Texas Department of Public
8 Safety matching criteria on a first name, last name,
9 date of birth match. These records do not exist.

10 Out of the 18,230,066 voters that IDs can
11 be validated against the Texas Department of Public
12 Safety, 98,438 have voted in a recent election.

13 REPRESENTATIVE ANCHIA: Mr. Speaker?

14 THE SPEAKER: Mr. Anchia, for what purpose?

15 REPRESENTATIVE ANCHIA: Will the gentlelady
16 yield?

17 THE SPEAKER: Will the lady yield?

18 REPRESENTATIVE BROWN: Not at this time.

19 THE SPEAKER: Not at this time, Mr. Anchia.

20 REPRESENTATIVE ANCHIA: Thank you. Thank
21 you, Mr. Speaker.

22 REPRESENTATIVE BROWN: And, Mr. Speaker, I
23 plan to finish my remarks before I yield.

24 Under the current HAVA law, if you indicate
25 you have neither a Texas Driver's License and so on,

1 you're automatically registered.

2 The Harris County voter database of the
3 1.1 million voters of the 253,000 voters, we cannot
4 validate their ID against the Texas department ID
5 matching criteria as I just stated. This is not an
6 issue only in Texas.

7 Voter ID laws are considered one of the
8 most basic and necessary election safeguards by a host
9 of con industries, including Canada, Mexico, France,
10 Germany, Italy, Poland, Britain, India, and South
11 Africa. But less than half of the U.S. states have any
12 kind of photo ID laws.

13 Former President Jimmy Carter and former
14 Secretary of State James Baker have presented a
15 bipartisan Election Reform Report to President Bush and
16 members of contingency that recommend states should
17 insure that the persons presenting themselves at the
18 polling place are the ones on the registration list by
19 requiring photo identification.

20 The recently formed Mississippians for
21 Voter ID Identification argues that insuring ID at the
22 polls would help insure that some 140,000 ineligible
23 residents would not be able to participate in the
24 process without spending the millions of dollars in
25 labor hours necessary to create a statewide database.

1 The United States Department of Justice
2 has, under certain conditions, approved Voter ID
3 programs in a number of states. HB 218 insures that the
4 right to vote is reserved only for those who are
5 eligible to vote.

6 There are no statutory standards to verify
7 the identity of individuals at the polling place when
8 they present a voter registration certificate.

9 HB 218 modifies provisions requiring a
10 voter to present proof of identification when offering
11 to vote.

12 HB 218 requires that when offering to vote,
13 a voter must presents either one form of photo
14 identification or two different forms of non-photo
15 identification.

16 If the person fails to meet these standards
17 they may still vote upon completion of a provisional
18 ballot Affidavit. The U.S. Supreme Court recognizes the
19 merits of photo identification for voting.

20 Members, did you hear that statement? The
21 U.S. Supreme Court recognizes the merits of photo
22 identification for voting, and removing an injunction
23 against Arizona's photo identification law.

24 The U.S. Supreme Court's procurian reads:
25 "Confidence in the integrity of our electoral process is

1 essential of our participatory democracy.

2 "Voter fraud drives uncitizens out of our
3 democracy and breeds distrust out of our government.
4 Voters who fear their legitimate votes will be
5 outweighed by fraudulent ones will feel disenfranchised?

6 Also, Indiana's Photo ID law was upheld by
7 the 7th Circuit of U.S. Court of Appeals on January 4,
8 2007. In upholding the Indiana Photo ID law, the U.S.
9 Court of Appeals notes that voters who do not comply
10 with the law by obtaining photo identification
11 disenfranchised themselves.

12 Voting is the most important right in
13 America but it's also a responsibility. The government
14 requires voters to register before receiving a ballot,
15 thereby providing information they provide on their
16 registration application is not a measure designed to
17 prevent any citizen from voting.

18 It's instead a measure designed to keep
19 illegal aliens, not citizens and people otherwise not
20 qualified from voting and diluting the legitimate votes
21 cast by citizens.

22 We all know of instances of close elections
23 decided by only a few votes. The question is: Do you
24 want to see a close election in the future decided by a
25 few votes that were cast illegally?

1 Mr. Speaker and Members, each time we are
2 sworn in this chamber we pledge to uphold the
3 constitution of the U.S. and of this state. I take this
4 vote very seriously.

5 Therefore, I'll be voting for HB 218 in
6 order to do everything I can to see that we secure the
7 voting rights of our citizens, which is provided for in
8 the constitution and protect those rights from being
9 deluded by allowing people to vote who under our
10 constitution have no right to participate in our
11 elections.

12 Mr. Speaker, I will be happy to yield at
13 this point.

14 REPRESENTATIVE ANCHIA: Mr. Speaker.

15 THE SPEAKER: Mr. Anchia, for what purpose?

16 REPRESENTATIVE ANCHIA: Will the gentlelady
17 yield?

18 THE SPEAKER: I think she did.

19 REPRESENTATIVE BROWN: I will.

20 REPRESENTATIVE ANCHIA: Thank you.

21 Representative Brown, I agree with you that
22 voting rights are basic rights founded and
23 representative democracy.

24 REPRESENTATIVE BROWN: That's right.

25 REPRESENTATIVE ANCHIA: And you have

11

1 articulated a concern related to fraud in elections.

2 You said voter fraud is the reason you brought this
3 bill?

4 REPRESENTATIVE BROWN: That's right.

5 REPRESENTATIVE ANCHIA: This bill is not
6 designed to deal with all types of voter fraud, correct?
7 For example, it's not designed to deal with fraud
8 related to electronic voting machines?

9 REPRESENTATIVE BROWN: No.

10 REPRESENTATIVE ANCHIA: Or
11 absentee-ballots?

12 REPRESENTATIVE BROWN: No.

13 REPRESENTATIVE ANCHIA: Or voter
14 suppression?

15 REPRESENTATIVE BROWN: No.

16 REPRESENTATIVE ANCHIA: Or misinformation
17 to voters?

18 REPRESENTATIVE BROWN: No.

19 REPRESENTATIVE ANCHIA: It's specifically
20 designed to deal with a very discrete type of voter
21 fraud called voter impersonation, is it not?

22 REPRESENTATIVE BROWN: That's right.

23 REPRESENTATIVE ANCHIA: And what is the
24 incidence of voter impersonation because you sited some
25 specifics from Paul Betencort because I was kind of

1 curious. It sounded like that was evidence for a
2 different bill. You sited that foreign nationals were
3 voting in elections.

4 But you didn't give any evidence of voter
5 impersonation. And I want to understand, just to give
6 you some background: We asked Mr. Betencort, we did an
7 Open Records Request, got all the same information you
8 did, and we've gone through all of those records and
9 didn't find any related to voter impersonation.

10 Can you elaborate and talk about the
11 evidence that you sited because that sounds like a
12 different type of fraud that wouldn't be covered by your
13 bill.

14 REPRESENTATIVE BROWN: We have -- the
15 things that I sited from Harris County -- part of that
16 is his evidence of people having voted, impersonating
17 others. And much of that is from dead people voting and
18 not just once, but repeatedly.

19 In fact, we have much documentation --

20 REPRESENTATIVE ANCHIA: How many instances
21 of dead people voting were you able to find?

22 REPRESENTATIVE BROWN: Well, let's see.
23 Would this be enough?

24 REPRESENTATIVE ANCHIA: And that
25 information is the same information that was actually

1 sent to our office and it clearly didn't Bexar out that
2 all of those were dead people.

3 REPRESENTATIVE BROWN: These are all dead
4 people here. I have documentation from other --

5 REPRESENTATIVE ANCHIA: How many would you
6 estimate in how many cases?

7 REPRESENTATIVE BROWN: This is only one
8 county, of course. I would be happy to -- if you want
9 to come up here and count each of these documents --

10 REPRESENTATIVE ANCHIA: Just ballpark it
11 for me. Is it 20? Is it 50?

12 REPRESENTATIVE BROWN: Oh, I guess there's
13 maybe twice that in here from one county in the state.

14 REPRESENTATIVE ANCHIA: Okay. And let me
15 ask you this question: How does your bill solve -- when
16 you talk about the foreign nationals building -- how
17 does your bill solve that? The Brazilian woman you
18 talked about?

19 REPRESENTATIVE BROWN: That was just what
20 Mr. Betencort had sited. If she had decided to present
21 photo ID when she came to the polls, I think that could
22 have been stopped.

23 REPRESENTATIVE ANCHIA: Is that right?
24 Because that woman did present photo ID, right? Even
25 though she was a non citizen, she had a driver's

1 license, did she not?

2 REPRESENTATIVE BROWN: Did she? Did she?
3 I didn't know that.

4 REPRESENTATIVE ANCHIA: Did you not look
5 through that case because we did?

6 REPRESENTATIVE BROWN: Okay.

7 REPRESENTATIVE ANCHIA: Okay.

8 REPRESENTATIVE BROWN: That's one case.
9 That's one of the cases that he sited --

10 REPRESENTATIVE ANCHIA: I understand.

11 REPRESENTATIVE BROWN: And perhaps that
12 would be better for a later bill.

13 REPRESENTATIVE ANCHIA: Yeah. It sounds to
14 me like a lot of the evidence you presented relates to
15 non-citizen voting, but not Voter Identification.

16 Are you aware -- and I think you were in
17 the room at the time when I asked the Secretary of
18 State's office if there were any cases of voter
19 impersonation, do you recall what the answer was?

20 REPRESENTATIVE BROWN: No.

21 REPRESENTATIVE ANCHIA: You're right.
22 None, actually. We asked the Secretary of State's
23 office, whether they had received any complaints of
24 voter impersonation, and they said zero.

25 Were you also aware that when we asked the

1 Attorney General's Office how many cases of voter
2 impersonation they had investigated, it was zero?

3 REPRESENTATIVE BROWN: And do you know why
4 that is?

5 REPRESENTATIVE ANCHIA: I'd like to hear
6 the analysis.

7 REPRESENTATIVE BROWN: It's very hard to
8 document these cases of voter impersonation.

9 In order to pursue a case or to prosecute,
10 you actually have to have someone in the polling place
11 to have witnessed this person having voted and have
12 knowledge of their identification. So it's extremely
13 hard.

14 Unless we give people in the polling place
15 the authority to request photo ID or two forms of non
16 photo ID to verify their identification. It's almost
17 impossible.

18 Therefore, we must close this loophole in
19 the voter laws.

20 REPRESENTATIVE ANCHIA: If an allegation is
21 made, it would be very easy in, in fact, for the
22 Attorney General to go and figure out what documentation
23 was used by that person to vote and interview that
24 person and find out if they are who they are, right?

25 It sounds to me like --

1 REPRESENTATIVE BROWN: Do you think the
2 Attorney General goes out just because an accusation is
3 made? I think some proof has to be presented.

4 REPRESENTATIVE ANCHIA: Well, that's
5 exactly right.

6 REPRESENTATIVE BROWN: And it's extremely
7 hard to present proof without giving these people in the
8 polling places the authority to ask for photo ID.

9 REPRESENTATIVE ANCHIA: But let's back up a
10 step. And correct me if I'm wrong, but doesn't the
11 Secretary of State received complaints and forward those
12 onto the AG? And when the statement Secretary of State
13 said we have not even received one complaint during
14 2002.

15 Do you know how many votes have been cast
16 --

17 REPRESENTATIVE BROWN: Okay. There are a
18 couple of reasons why that this is not happening.

19 One is that the D.A.s in the counties where
20 this is going on are charged with keeping us safe and
21 investigating the murders and the armed robberies and
22 the rape and so on.

23 We have not placed a high priority on voter
24 fraud, and this is something that we have to do. And in
25 order to do it, we have to have our people who are in

1 the polling places and those who are charged with
2 prosecution have to have a few tools. And this is one
3 of them.

4 I think it's very much like someone killing
5 these people. They must prosecute voter fraud. And
6 then tying one on behind their backs and say okay, now,
7 you can do it, we're just not going to let you have the
8 tools that you need to have in order to do it.

9 REPRESENTATIVE ANCHIA: So you agree that
10 D.A.s need to do it in order to prosecute this, correct?
11 And that they should be prosecuting it, and --

12 REPRESENTATIVE BROWN: , actually, we need a
13 lock on this system to be able to leak out and verify
14 the vote.

15 REPRESENTATIVE ANCHIA: Can I ask my
16 question?

17 REPRESENTATIVE BROWN: Certainly.

18 REPRESENTATIVE ANCHIA: , that maybe this is
19 an enforcement issue, correct?

20 REPRESENTATIVE BROWN: That's part of it;
21 yes.

22 REPRESENTATIVE ANCHIA: You also talked
23 about the Carter-Baker Commission, did you not?

24 REPRESENTATIVE BROWN: Yes, I did.

25 REPRESENTATIVE ANCHIA: And you sited it as

1 support for Voter ID, did you not?

2 REPRESENTATIVE BROWN: Absolutely. And I
3 would like to make a statement before you go further
4 with your questioning: Because I rent your taking
5 statements out of the Carter-Baker report and presenting
6 them, twisting what they said.

7 Because we went back and got the full
8 report and you absolutely misrepresented those
9 statements.

10 THE SPEAKER: Representative Miller raises
11 the point of question. The gentlelady's time has
12 expired.

13 REPRESENTATIVE ANCHIA: I'd like to move
14 that the gentlelady's time be extended, please.

15 THE SPEAKER: Members, you've heard the
16 motion. Is there any objection? Members, vote aye.
17 Vote no. This is on the motion to extend.

18 (Record vote)

19 THE SPEAKER: Have all voted? Being 91
20 ayes, 46 nays.

21 The extension is granted.

22 THE SPEAKER: The Chair recognizes
23 Ms. Brown.

24 REPRESENTATIVE ANCHIA: Mr. Speaker.

25 THE SPEAKER: Mr. Anchia, for what purpose?

1 REPRESENTATIVE ANCHIA: Will the gentle lady
2 yield?

3 REPRESENTATIVE BROWN: I'd be happy to.

4 THE SPEAKER: The lady yields.

5 REPRESENTATIVE ANCHIA: You just suggested
6 that I twisted the words of the Carter-Baker Commission.

7 REPRESENTATIVE BROWN: Absolutely.

8 REPRESENTATIVE ANCHIA: And where would
9 that be? Are where would that have occurred? I'm just
10 kind of curious about that allegation.

11 REPRESENTATIVE BROWN: Okay. You quoted
12 president Carter as having said that he was against the
13 photo ID, and it was just one sentence. Okay.

14 Here's what you said. Since we presented
15 our work to the president, contingency, some have
16 overlooked almost all of the reports, a single
17 requirements that voters have driver's license or
18 government issued fired.

19 Worse, they have unfairly described our
20 recommendation, which includes Georgia, which just
21 standard did he, started demanding that voters have a
22 state issued photo ID, even though obtaining one can be
23 too costly or difficult for Georgians.

24 We consider Georgia's law discriminatory.

25 REPRESENTATIVE ANCHIA: Ms. --

1 REPRESENTATIVE BROWN: Let me finish
2 answering your question.

3 President Carter went on to say that it's
4 very encouraging to us, he's quoting Any Young, says
5 this will help minority voting instead of deterring it.

6 And then he says that, indeed, he did say
7 that he thought the Georgia law should be discarded or
8 thrown out because it costs the voters too much.

9 But then he went on to talk about you how
10 he did support it and he thought this was a very much
11 needed thing.

12 But you only pulled that out because he had
13 opposed it because of the costs but our bill has
14 addressed that and taken the costs out.

15 REPRESENTATIVE ANCHIA: I'm going to give
16 you the opportunity to retract your allegation before I
17 explain it to you.

18 Would you like to retract it?

19 REPRESENTATIVE BROWN: No. No.

20 REPRESENTATIVE ANCHIA: Okay. Because you
21 suggested that I was manipulating Carter-Baker, which is
22 clearly not the case.

23 I was quoting directly from the New York
24 Times opt ad by President Carter and by Secretary Baker,
25 and it's very clear, and it is dated September 23, 2005.

1 Is it not?

2 I mean, you accuse me of manipulating the
3 Carter-Baker Report, but in fact, that quote is from the
4 New York Times op ed by President Carter and Mr. Baker,
5 is it not?

6 REPRESENTATIVE BROWN: I'm sorry.

7 REPRESENTATIVE ANCHIA: Wouldn't you like
8 to retract what you said earlier?

9 REPRESENTATIVE BROWN: No, I would not.

10 REPRESENTATIVE ANCHIA: Okay.

11 REPRESENTATIVE BROWN: If you took it
12 directly from the New York Times --

13 REPRESENTATIVE ANCHIA: Okay. Let me ask
14 you what you said earlier --

15 REPRESENTATIVE BROWN: That's if. But if
16 you took it from the actual conversation --

17 REPRESENTATIVE ANCHIA: You had accused me
18 of picking and choosing from the Carter-Baker Report, is
19 that not correct?

20 REPRESENTATIVE BROWN: Yes.

21 REPRESENTATIVE ANCHIA: And, in fact, the
22 quote that is contained in that document is from the New
23 York Times Article, it's an op ed authored by President
24 Carter and Secretary Baker, dated September 23, 2005, is
25 it not?

1 REPRESENTATIVE BROWN: I'm sorry. I
2 couldn't hear you for another conversation going on.
3 You'll have to repeat your question, please.

4 REPRESENTATIVE ANCHIA: You accused me of
5 having manipulated Carter-Baker and the concepts of the
6 Carter-Baker Report.

7 REPRESENTATIVE BROWN: Yes. But would you
8 read your conversation, it's obvious --

9 REPRESENTATIVE ANCHIA: Can I ask my
10 question?

11 Is it not true that the quote was taken
12 directly, not from Carter-Baker, but an op ed that was
13 authored by President Carter and Secretary Baker
14 subsequent to the release of the Carter-Baker Report,
15 and it is directly from that op ed, is it not?

16 REPRESENTATIVE BROWN: I have to take your
17 word for it that that's your quote taken from an article
18 rather than from the conversation.

19 REPRESENTATIVE ANCHIA: And you're going to
20 have your facts. Don't accuse me of manipulating from
21 the Carter-Baker Report.

22 REPRESENTATIVE BROWN: It is a
23 manipulation, whether it originated with you or with the
24 New York Times.

25 REPRESENTATIVE ANCHIA: Okay. It was

1 written by President Carter by the way. It wasn't
2 written by the times. It was written by President
3 Carter and Mr. Baker.

4 REPRESENTATIVE BROWN: It's misleading and
5 my point is that the statement is misleading when you
6 read what President Carter actually said about the photo
7 ID requirement.

8 REPRESENTATIVE ANCHIA: Ms. Brown, I'd like
9 to ask you about Carter-Baker, as well.

10 Now, I could make the same allegation that
11 you're picking and choosing what you like about the
12 Carter-Baker Report. Is it not true that while Voter
13 Identification was suggested by Carter-Baker, it was
14 suggested in a broader context, is it not true?

15 REPRESENTATIVE BROWN: I'm not sure.

16 REPRESENTATIVE ANCHIA: Weren't there
17 multiple recommendations that were all to be taken in
18 tandem?

19 REPRESENTATIVE BROWN: But two of the major
20 recommendations were photo ID and proof of citizenship
21 and a variety of, as a society, things that would
22 definitely help our voting process.

23 REPRESENTATIVE ANCHIA: Is it not true that
24 Carter-Baker also suggested that we wait on Voter ID
25 until real ID was in place? Is that not true?

1 REPRESENTATIVE: Brown it could be.

2 REPRESENTATIVE ANCHIA: Have you read the
3 Carter-Baker Report?

4 REPRESENTATIVE BROWN: I read this along
5 with many other things.

6 REPRESENTATIVE ANCHIA: Do you have the
7 section of the Carter-Baker Report entitled 2.5 Voter
8 Identification? And would you like to read along with
9 me?

10 REPRESENTATIVE BROWN: I don't have the
11 report itself.

12 REPRESENTATIVE ANCHIA: I'll read it to
13 you.

14 REPRESENTATIVE BROWN: It's a conversation
15 on-line at the news hour.

16 REPRESENTATIVE ANCHIA: I'll read it to
17 you. It's on Page 19 of the Carter-Baker Report.

18 REPRESENTATIVE BROWN: Okay.

19 REPRESENTATIVE ANCHIA: See what you're
20 trying to do is say that the Carter-Baker suggests this,
21 when, in fact, it does not. If you take into account
22 all the other recommendations.

23 And the New York Times article that I
24 presented to you in fact, says, hey, people are trying
25 to pick and choose on Carter-Baker.

1 But what they have to do is actually look
2 at the report in total. And do they not say that real
3 ID should be in place before you adopt the standards?
4 Is that not correct?

5 REPRESENTATIVE BROWN: I'll take your word
6 that it's saying that.

7 REPRESENTATIVE ANCHIA: And do they not
8 also say, quote, on Page 19, "We view concerns about ID,
9 that they could disenfranchise eligible voters, have an
10 adverse impact on minorities and be used to monitor
11 behavior as serious and legitimate and are our proposal
12 aims to address these concerns," is that not true?

13 REPRESENTATIVE BROWN: Well, it's strange
14 that it would be because President Carter said just of
15 the opposite.

16 REPRESENTATIVE ANCHIA: Well, see, I've
17 actually read the Carter-Baker Report and I have it in
18 front of me. And I'm reading it now.

19 REPRESENTATIVE BROWN: Well, I'm talking
20 about his interview when he stated otherwise.

21 REPRESENTATIVE ANCHIA: And is it not true
22 that they've acknowledged potential barriers to
23 different groups and suggested that Carter-Baker be
24 implemented with a slew of other proposals including
25 things like opening up more government offices? Making

1 the ID free? Having mobile voter registration centers?

2 REPRESENTATIVE BROWN: And many of those
3 things --

4 REPRESENTATIVE ANCHIA: Where in your bill
5 do you have mobile registration centers or money for new
6 offices? Or money for voter outreach? Where in your
7 bill does that occur?

8 REPRESENTATIVE BROWN: We don't have those.
9 You know that. We do have the provision whereby if
10 someone has stated that they cannot afford a photo ID --
11 and by the way, I do have a Perfecting Amendment that
12 they would not have to sign an Affidavit to that
13 effect -- all they have to do is say they can't afford
14 the nominal fee for a photo ID from DPS. It would be
15 issued free of charge.

16 REPRESENTATIVE ANCHIA: How many people
17 don't have photo ID in Texas?

18 REPRESENTATIVE BROWN: There aren't many.
19 We have the records that there are about a million and a
20 half more driver's licenses out there than we do have
21 voter registrations. We have the number for those
22 people over 80, and we have -- the numbers just show
23 that there has to be very few.

24 In fact, .035 percent, I believe, it is, of
25 the people over 80 in Harris County have --

1 REPRESENTATIVE ANCHIA: You've given me
2 these numbers.

3 How do you rectify these numbers the
4 Brennan Center, that is the New York School of Law, has
5 done a study on this that says that 11 percent of all
6 Americans do not have photo identification? How do you
7 react to that number?

8 REPRESENTATIVE BROWN: Well, I react by
9 saying that there are differing opinions by the number
10 of people that do not have photo ID. We're not
11 requiring that everyone have photo ID to vote. We're
12 saying if you can't present a photo ID, then two forms
13 of non photo ID will be acceptable.

14 And our bill also does not change the
15 mail-in ballot process. Anyone who can't make it to the
16 polls. It would be a hardship for them to go pick up a
17 DPS photo ID, they can still use their mail-in ballot.

18 So we've made plenty of provisions for
19 anyone who wants to vote to be able to vote. We didn't
20 set out to keep anyone from voting.

21 REPRESENTATIVE ANCHIA: You have suggested
22 that not many Texans who have no form of photo ID, you
23 said that earlier, did you not?

24 REPRESENTATIVE BROWN: Yes. That's another
25 point that has just been brought up.

1 Even if you don't have any of these things,
2 you can still vote provisionally.

3 REPRESENTATIVE ANCHIA: What percentage of
4 provisional ballots are counted in the state?

5 REPRESENTATIVE BROWN: I'm sorry.

6 REPRESENTATIVE ANCHIA: According to the
7 Secretary of State, what percentage of provisional
8 ballots are counted in this state?

9 REPRESENTATIVE BROWN: The provisional
10 ballot is actually not counted, to my knowledge.

11 REPRESENTATIVE ANCHIA: Actually
12 20 percent. So 80 percent of all processes provisional
13 ballots are not counted in the state.

14 REPRESENTATIVE BROWN: Okay.

15 REPRESENTATIVE ANCHIA: They're,
16 essentially, discarded.

17 REPRESENTATIVE BROWN: I am looking for
18 those numbers for you about people who have photo ID.

19 REPRESENTATIVE ANCHIA: What is 10 percent
20 of roughly 20 million?

21 REPRESENTATIVE BROWN: Let me give you some
22 statistics that you had in your previous question about
23 people who actually have photo ID.

24 REPRESENTATIVE ANCHIA: Answer this
25 question for me: What is 10 percent of 20 million?

1 REPRESENTATIVE BROWN: Well, it would be
2 200,000.

3 REPRESENTATIVE ANCHIA: It's actually 2
4 million.

5 REPRESENTATIVE BROWN: I need to add
6 another zero.

7 REPRESENTATIVE: You need to add another
8 zero. And do you think that's a lot of people or a
9 small number?

10 REPRESENTATIVE BROWN: It's a very large
11 number but I have no confidence in that figure.

12 REPRESENTATIVE ANCHIA: Would it surprise
13 you to know that according to the statistics from the
14 New York School of Law, Brennan Center, that about 2
15 million Texans would not have the photo ID to comply
16 with this bill? Many of them --

17 REPRESENTATIVE BROWN: I don't believe
18 that --

19 REPRESENTATIVE ANCHIA: You don't believe
20 the New York School of Law?

21 REPRESENTATIVE BROWN: And if they don't
22 have a photo ID, two forms of non-photo ID will still
23 get them into the polling place. If they can't present
24 any of that, they fill out the voter provisional ballot.

25 REPRESENTATIVE ANCHIA: You just told me

1 that you don't believe the Brennan Center. You don't
2 believe in the New York School of Law.

3 The Kaufmann County School of Law? What
4 would be good evidence?

5 REPRESENTATIVE BROWN: Okay. You have to
6 first tell me who was old. Across what segment of the
7 population was old.

8 You have to give me the details about this
9 polling before I can have confidence in it. And was it
10 Texans? Was it nationwide? What kind of polling data
11 are you suggesting?

12 REPRESENTATIVE ANCHIA: The Brennan Center
13 Report is available, and if we have it, I'd be happy to
14 pass it out to you. The Brennan Center also figures
15 that 18 percent, about 6 million American citizens is,
16 65 and older do not have photo ID.

17 THE SPEAKER: Representative Miller has
18 raised the point of order. The gentlelady's time has
19 expired.

20 REPRESENTATIVE ANCHIA: Mr. Speaker.

21 THE SPEAKER: For what purpose, Mr. Anchia?

22 REPRESENTATIVE ANCHIA: Will the gentlelady
23 -- I'd like to move that the gentlelady's time be
24 extended.

25 THE SPEAKER: Members, is there any

1 objection? Mr. Anchia, this requires unanimous consent.

2 REPRESENTATIVE ANCHIA: Thank you,

3 Mr. Speaker. Thank you.

4 Representative Brown.

5 THE SPEAKER: The point of order is well
6 taken and sustained.

7 The Chair recognizes Mr. Puente for an
8 introduction.

9 REPRESENTATIVE PUENTE: Mr. Speaker,
10 Members, up in the north gallery there's a school group
11 that Representative Castro and I have asked to be here.
12 The school is actually in my district. It's Rogers
13 Middle School, and Mr. Castro also has some friends
14 there.

15 So Rogers Middle School, would you stand
16 up, please. Rogers Middle School. Welcome to Austin
17 and welcome to your Capitol.

18 THE SPEAKER: The Chair recognizes
19 Ms. Laudenberg for a motion.

20 REPRESENTATIVE LAUDENBERG: Mr. Speaker, I
21 move that we suspend the rules and take up House
22 Resolution 1413.

23 THE SPEAKER: Members you've heard the
24 motion. Is there any objection?

25 The Chair hears none.

1 The Chair lays out HR 1413.

2 The clerk will read the resolution.

3 THE CLERK: HR 1413 by Laudenberg, whereas
4 by winning each of its 40 games in the 2006, 2007 season
5 and capturing the 5-A State Title, the Lady
6 Yellowjackets Basketball Team of Rockwell High School
7 has named a resulted place in the annals of Texas high
8 school sports.

9 And was whereas the culmination of this
10 perfect campaign came with Rockwell's victory over
11 Cy-Fair High School in the state championship game on
12 March 3rd, 2007, a show down that pitted two previously
13 unbeaten schools.

14 At the end of regulation play, the teams
15 were knotted at 48, but with clutch play in the closing
16 minutes of overtime, the Yellowjackets emerged with a
17 59, 54 victory and a legacy that will stand for many
18 years to come.

19 Only six previous girls' teams in Texas
20 have gone unbeaten through an entire season and only two
21 have equaled Rockwell's record of 40 and 0.

22 And whereas Rockwell has been building
23 toward this achievement for several years. The team has
24 reached the regional tournament at Baylor University in
25 each of the past three seasons, winning it twice.

1 In 2006, the Lady Yellowjackets made it all
2 the way to the state championship game but fell to Plano
3 West to finish as runner-up.

4 And whereas in achieving the pinnacle of
5 success in 2007, Rockwell relied on outstanding
6 performances from each member of the team and challenged
7 its opponents with a combination of offensive fire power
8 to tenacious defense and an undeniable will to win.

9 The players were schooled in the finer
10 points of technique and strategy by head coach Jill
11 McDill, who has shaped Rockwell High School into a
12 girls' basketball powerhouse that is poised for further
13 glory.

14 And whereas exhibiting tremendous skill and
15 dedication, the Lady Yellowjackets have established a
16 remarkable record of achievement in Texas high school
17 athletics and won the respect of sports fans throughout
18 the Lone Star State.

19 Now therefore be it resolved that the House
20 of Representatives of 80th Texas Legislature hereby
21 congratulate the Rockwell High School Lady Yellowjackets
22 basketball team on posting a perfect season and winning
23 the Class 5-A State Title and extends best wishes to the
24 players, coaches and staff for future success.

25 And be it further resolved that an official

1 copy of this resolution be prepared for the team as an
2 expression of high regard by the Texas House of
3 Representatives.

4 REPRESENTATIVE LAUDENBERG: I move passage.

5 THE SPEAKER: Members, you heard the
6 motion.

7 Is there an objection?

8 The Chair hears none.

9 Ms. Laudenberg moves to add all members'
10 names.

11 Is there any objection?

12 Hearing none.

13 The motion is granted.

14 The Chair recognizes Ms. Laudenberg.

15 REPRESENTATIVE LAUDENBERG: Members, I am
16 so proud to represent these young women, the Rockwell
17 Lady Yellowjackets for the 2007 5-A Basketball Girls
18 Championship this March, the first title in the teams'
19 history.

20 The girls and this team have been
21 undefeated at home for the last three seasons with an
22 astounding record of 105 wins to 13. This year the Lady
23 Yellowjackets went into the final game against a very
24 formidable opponent, the Houston Cypress Fairbanks with
25 a 39, 0, winning streak.

1 With a grueling, physical fourth quarter,
2 the game went into overtime with the Lady Yellowjackets
3 took the other team in second place and showed why the
4 USA today have named the Lady Yellowjackets the third
5 ranked team in the nation for high school.

6 The final score of the game was 59 to 54,
7 and each member of this team was an integral part of
8 their success.

9 I want to first recognize the girls up in
10 the balcony, the team managers, players and assistant
11 coaches, who gave up time with their friends and family.
12 I asked them how many hours they practiced, and they
13 said they were never at home. All they did was
14 practice.

15 On the dias I am proud to present to you
16 members of the Lady Yellowjackets team: Shelby Addison,
17 a junior guard, who was the leading scorer in the state
18 semi-final; Sunni Saddery, a junior point guard, First
19 Team All District, who lead the Metroplex in assists
20 this year; Avery Alendres and Meredith Gordon, senior
21 guards who have both won Academic All District; Lindsey
22 Rath, a senior who has won Academic All State; Samantha,
23 Slaw, the team's senior, three-year starting guard; Cara
24 Slayton, who is defensive player of the year for the
25 team's district, had nine rebounds and scored nine

1 points in the state's final game and has received a full
2 scholarship to Tulane University; Genevieve Campbell,
3 who scored a team high of 17 points and had seven
4 rebounds and will be on a full scholarship to Texas A&M
5 Commerce; Haley Day, who scored 5 of the 11 points in
6 the overtime, leading to this year's victory and was
7 honored as the game's most valuable player and she's
8 received a full scholarship to SMU.

9 And finally members I would like to
10 acknowledge, head coach, Jill McDill and assistant
11 coach, Casey Reeves, who led this team in their
12 dedication and hard work.

13 We have surely not heard the last of this
14 excellent team. I have a whole new respect for what
15 these girls have achieved.

16 Please join me in honoring the success of
17 the Rockwell Lady Yellowjackets. Thank you.

18 THE SPEAKER: Members, we're back on the
19 bill.

20 The following Amendment.

21 The clerk will read the Amendment.

22 THE CLERK: Amendment by Cochran of
23 Kaufman.

24 THE CHAIR: The Chair recognizes Ms. Brown
25 to explain the Amendment.

1 REPRESENTATIVE BROWN: Mr. Speaker,
2 Members, I have three perfecting Amendments.

3 The first one is just simply to waive the
4 requirements for anyone over 80. If you're over 80,
5 many are voting by mail-in ballot anyway. If there's
6 any reason why they don't have a photo ID, let's just
7 give them the benefit of the doubt.

8 Let's waive all voters over age 80. And it
9 is acceptable to the author.

10 THE SPEAKER: Members, Ms. Brown sends up
11 an Amendment. The Amendment is acceptable to the
12 author.

13 Is there an objection?

14 REPRESENTATIVE BERMAN: Mr. Speaker, will
15 the lady yield?

16 THE SPEAKER: Will the lady yield?

17 REPRESENTATIVE BROWN: Yes. I yield.

18 REPRESENTATIVE BERMAN: Will you go over
19 the Amendment one more time, please?

20 REPRESENTATIVE BROWN: It simply states
21 that voters over the age of 80 would not be required to
22 present a photo ID or two forms of non-photo ID at the
23 polling place if they're over 80.

24 REPRESENTATIVE BERMAN: Thank you.

25 Have we received information from a former

1 republican has passed around the desk here that said his
2 91-year old mother had lost the right to vote?

3 REPRESENTATIVE BROWN: Absolutely. He was
4 concerned that his 91-year old mother, who is an
5 invalid, who is evidently bed-fast, who is still a
6 registered voter, would be disenfranchised from being
7 able to vote.

8 And my bill, HB 218, does not affect her
9 ability to vote because obviously she must have been
10 voting by mail-in ballot.

11 If she can't leave her bed, she certainly
12 hadn't been going to the polling places. I'm very sorry
13 to hear about his mother's condition, but I certainly
14 would not deny her the opportunity and the right to
15 vote.

16 REPRESENTATIVE BERMAN: So even without
17 your Amendment, she was not denied the right to vote --

18 REPRESENTATIVE BROWN: Absolutely not.

19 REPRESENTATIVE BERMAN: Because she has a
20 mail-in ballot, just like every other invalid person
21 does.

22 REPRESENTATIVE BROWN: Absolutely not.

23 REPRESENTATIVE BERMAN: And everyone who is
24 sick. Even if I was home sick at my age, I can still
25 use a mail-in ballot?

1 REPRESENTATIVE BROWN: That's right.

2 REPRESENTATIVE BERMAN: And when I served
3 overseas in Vietnam, I could still use a mail-in ballot?

4 REPRESENTATIVE BROWN: That's right.

5 REPRESENTATIVE BERMAN: Nothing would
6 prevent me from voting; is that correct?

7 REPRESENTATIVE BROWN: This bill is not
8 about denying anyone who is an eligible voter from
9 voting. It's merely to reserve that right for those who
10 are eligible. And this age, it's fair. It's balanced.
11 I just think that we should do this for those people
12 over 80 years old.

13 REPRESENTATIVE BERMAN: And one of these
14 questions Mr. Anchia asked you before -- I think he said
15 there were no prosecutions by the AG's Office. There
16 were actually several prosecutions by the Attorney
17 General's Office.

18 REPRESENTATIVE BROWN: That's right.

19 REPRESENTATIVE BERMAN: However, do you
20 know that the Attorney General cannot prosecute anyone
21 in the state unless it comes from a multi-county area?
22 An election held over a multi-county area?

23 REPRESENTATIVE BROWN: I see.

24 REPRESENTATIVE BERMAN: Most of the larger
25 counties in the state are single county. Like Harris

1 County, like Bexar County, like El Paso County and
2 Dallas County.

3 Did we not receive information from those
4 four counties? --

5 REPRESENTATIVE BROWN: Absolutely.

6 REPRESENTATIVE BERMAN: Of our 4,000
7 fraudulent voters on the election rolls; is that
8 correct?

9 REPRESENTATIVE BROWN: That's right. And
10 in fairness to our Texas electors who are trying to
11 maintain the huge databases, it is an expensive and
12 time-consuming process to try to compare all of these
13 names with driver's license data and with Social
14 Security numbers and so on, to try to prove the ones
15 that actually are existing.

16 And also, against the death records.
17 That's one reason that we have lists that still have
18 thousands of people who are deceased.

19 But this is one very inexpensive way to
20 offset some of the problems with deceased people voting.
21 It's to be able to just simply prove you are who you say
22 you are when you about to the polls to vote.

23 REPRESENTATIVE BERMAN: And I heard some of
24 the dialogue between you and Representative Anchia about
25 a study that was done in New York University.

1 Have you seen that study at all?

2 REPRESENTATIVE BROWN: I think it came in
3 with all the myriad of paper that we had but I didn't
4 study it.

5 REPRESENTATIVE BERMAN: Okay. And if my
6 good friend Representative Anchia asked if you believe
7 in the New York University School of Law. I do, but --

8 REPRESENTATIVE BROWN: Of course.

9 REPRESENTATIVE BERMAN: But I more believe
10 in our Texas Department of Public Safety and the numbers
11 that they're putting out from DPS.

12 REPRESENTATIVE BROWN: My question mainly
13 was: Is this a study of Texas or is this a nationwide
14 study? That's what I was trying to get at.

15 REPRESENTATIVE BERMAN: I think the main
16 point I was trying to make just now is something that
17 you brought out a little quietly. I want to make it
18 very loud.

19 REPRESENTATIVE BROWN: Okay.

20 REPRESENTATIVE BERMAN: There are over 14
21 million driver's licenses in the State of Texas.

22 REPRESENTATIVE BROWN: That's right.

23 REPRESENTATIVE BERMAN: And there are just
24 about 12 million registered voters in the State of
25 Texas.

1 REPRESENTATIVE BROWN: That's right. So
2 there's going to be that many people who don't have a
3 driver's license with a photo ID on it.

4 And by the way, another thing that I may
5 have said, too, quietly, is the fact that 85 percent of
6 Texans old see a need for a photo ID at the polling
7 places. And that was a very recent poll, by the way of
8 Texans.

9 REPRESENTATIVE BERMAN: Now, also, if you
10 don't have a driver's license as many people don't, can
11 you get another form of photo identification from DPS?

12 REPRESENTATIVE BROWN: Oh, absolutely. In
13 fact, you know, we passed a bill out of here not many
14 days ago that had something to do with people after they
15 reached a certain age, and I think we set it at 90,
16 having to be retested for their driver's license.

17 So that makes a statement right there that
18 we have a lot of older people that are still driving
19 have still active. Still have a driver's license to
20 present at the polls.

21 So it's just a lot of older people, and I
22 believe I heard the statement today that 80 is the new
23 65. I love that statement.

24 REPRESENTATIVE BERMAN: I do, too, since
25 I'm 72.

1 Do you think, is it your opinion that if a
2 voter can bring a voter registration card to a polling
3 place, that they could also bring an electric bill or a
4 water bill or something to show that they are the person
5 on the voter registration card?

6 REPRESENTATIVE BROWN: Even a library card
7 will do it. Even a library card is acceptable.

8 REPRESENTATIVE BERMAN: So what else is
9 acceptable?

10 REPRESENTATIVE BROWN: I have a list of 18,
11 I believe, things that are acceptable.

12 And by the way, we found out -- we're
13 talking about the poorer people having a hard time with
14 this. But we found out that the Lone Star Card requires
15 a photo ID to qualify for the Lone Star Card. So that
16 shows right there that people do have to come up with
17 proof of identity.

18 And I have a list here of those things that
19 are acceptable right here.

20 REPRESENTATIVE BERMAN: And what are they?

21 REPRESENTATIVE BROWN: But the photo
22 identification, a driver's license, a photo
23 identification card issued by the Department of Public
24 Safety that has not expired or expired within two years
25 of the date of presentation.

1 U.S. Military identification cards
2 containing the person's photograph. Valid employee
3 identification card containing a person's photograph.
4 U.S. citizenship certificate that contains the person's
5 photograph.

6 U.S. Passport issued to the person.
7 Student identification card issued by a public or
8 private institution of higher education located in Texas
9 that contains the person's photograph or a License to
10 Carry a Concealed Handgun issued by DPS of the non-photo
11 identification allowed, a copy of the current utility
12 bill, bank statement, government check, paycheck or
13 other government document that shows the name and
14 address of the voter.

15 Official mail address to the person by name
16 from a government entity. Certified copy of a birth
17 certificate or other acceptable document confirming
18 birth.

19 U.S. citizenship paper. Original or
20 certified copy of a person's marriage license or Divorce
21 Decree.

22 REPRESENTATIVE BERMAN: So in other words,
23 you can bring in just about anything that's got your
24 name on it to prove that the voter registration card
25 that you have is really you?

1 REPRESENTATIVE BROWN: That's right.

2 REPRESENTATIVE BERMAN: And, Betty, do you
3 remember the documents that I got in the from the
4 Committee on Elections in Harris County that there were
5 over 4,000 people dropped from the list because they
6 were fraudulent my enrolled on the voter registration
7 list?

8 REPRESENTATIVE BROWN: Yes.

9 REPRESENTATIVE BERMAN: Do you know how
10 they were found?

11 REPRESENTATIVE BROWN: I think it was
12 because the address on there was actually outside the
13 county. Was that it?

14 REPRESENTATIVE BERMAN: No. That's not it.

15 REPRESENTATIVE BROWN: Okay.

16 REPRESENTATIVE BERMAN: That's not it.

17 REPRESENTATIVE BROWN: What was it?

18 REPRESENTATIVE BERMAN: The jury pools or
19 the jury summons are taken from voter registration list
20 and it's also taken from driver's license lists.

21 REPRESENTATIVE BROWN: Right. I've heard
22 that happening in my home county.

23 That people show up to vote or they show
24 because they were summoned to jury duty and they say I
25 don't know why I'm here because I'm not a citizen and it

1 turns out that they were on that list.

2 REPRESENTATIVE BERMAN: Actually, they sent
3 back in a card that would incriminate them. They
4 checked a box saying I am not a U.S. citizen and cannot
5 serve on jury duty:

6 Consequently Mr. Betencort --

7 THE SPEAKER: Representative Miller raises
8 the point of order that the gentlelady's time has
9 expired.

10 The point of order is well taken and
11 sustained.

12 REPRESENTATIVE HOCHBERG: Mr. Speaker.

13 THE SPEAKER: Mr. Hochberg, for what
14 purpose?

15 REPRESENTATIVE HOCHBERG: Since Mr. Berman
16 used almost the entire ten minutes, I'd like to move to
17 extend the lady's time.

18 THE SPEAKER: Mr. Hochberg, the lady has
19 yielded the mic.

20 REPRESENTATIVE HOCHBERG: I'm sorry?

21 THE SPEAKER: The lady has yielded the mic.

22 REPRESENTATIVE HOCHBERG: I'm sorry. She
23 called the point of order. Did she yield the floor?

24 THE SPEAKER: She has yielded the floor.

25 REPRESENTATIVE HOCHBERG: Thank you.

1 THE SPEAKER: The following Amendment to
2 the Amendment.

3 The clerk will read the Amendment.

4 THE CLERK: Amendment by Dunnam.

5 THE SPEAKER: The Chair recognizes
6 Mr. Dunnam.

7 REPRESENTATIVE DUNNAM: Thank you,
8 Mr. Speaker. I think we could take after 65, your
9 Social Security check you're eligible.

10 And if you will look at the Social Security
11 card, there is not a photo on the Social Security card.
12 I think we ought to take seniors out of this debate and
13 lower the age to 65.

14 THE SPEAKER: The Chair recognizes
15 Ms. Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker and
17 Members, the way we have the Amendment was set at 80. I
18 think it's very fair and balanced.

19 People 65, you know, that's quite young in
20 this era, and I think there's plenty of ways that we'd
21 provided for people to prove their ID. Let's leave it
22 at 80.

23 And I move to table.

24 REPRESENTATIVE HOCHBERG: Mr. Speaker.

25 THE SPEAKER: Mr. Hochberg, for what

1 purpose?

2 REPRESENTATIVE HOCHBERG: Will the
3 gentlelady yield? Or has she yielded the floor?

4 REPRESENTATIVE BROWN: I'd be happy to
5 yield.

6 REPRESENTATIVE HOCHBERG: First, a couple
7 of questions. I don't know how you set the 80 date in
8 the first place. I don't know how you came up with that
9 number, ma'am, but can you tell me: Did you look at
10 that stack of people who were supposedly deceased who'd
11 had voted?

12 It seems to me an awful lot of those people
13 who apparently voted when they were deceased would have
14 been at a very advanced age -- how many of those people
15 were over 80 in the stack of fraud that you're trying to
16 eliminate?

17 REPRESENTATIVE BROWN: I don't think that
18 has anything to do with setting it at 80 because we
19 passed the bill so that you have to prove who you are
20 who you say you are at the polls.

21 We'll eliminate that loophole so the
22 deceased people will no longer be voting. And I think
23 that will take care of that. I just think the 80 say
24 good, fair and balanced place to set it. People that
25 are over 80 that will no longer be required to present

1 Voter ID.

2 REPRESENTATIVE HOCHBERG: And that's based
3 on?

4 REPRESENTATIVE BROWN: That's based on the
5 expectation for your life expectancy and people have
6 usually slowed down a little bit, even though we have
7 examples of exceptions but people have usually slowed
8 down a little bit by 80.

9 REPRESENTATIVE HOCHBERG: So if they're
10 over 80, they're less likely to commit voter fraud, but
11 they're --

12 REPRESENTATIVE BROWN: They're less likely
13 to still be driving. They're less likely to still have
14 access to photo ID.

15 REPRESENTATIVE HOCHBERG: What about people
16 who are disabled? They're less likely to be driving.

17 REPRESENTATIVE BROWN: But disabled, if
18 they're not driving and not able to get to the polls,
19 not able to go to DPS for a photo ID, as I stated
20 earlier, they will be using a mail-in ballot and this
21 bill doesn't address that.

22 REPRESENTATIVE HOCHBERG: So if you want to
23 commit fraud, you can continue to do it as long as you
24 use a mail-in ballot.

25 How would you know that a person is 80 if

1 they don't have to show you an ID?

2 REPRESENTATIVE BROWN: There's plenty --
3 and I visited with one of the Texas electors. Of
4 course, it's on there, the Voter Registration Card, No.
5 One.

6 Here's my Voter Registration Card right
7 here, and it has my birth date on it.

8 REPRESENTATIVE HOCHBERG: Yes, ma'am.

9 REPRESENTATIVE BROWN: So if you're a
10 registered voter, more than likely, they can prove this
11 and show their age.

12 REPRESENTATIVE HOCHBERG: Ma'am --

13 REPRESENTATIVE BROWN: If there's suspicion
14 that they're not of that age, there are ways -- the
15 elections officials do have some authority to question
16 that voter as I was assured by an elections
17 administrator today.

18 REPRESENTATIVE HOCHBERG: Ma'am, are you
19 aware that people who registered to vote a long time ago
20 do not necessarily have their ages on their Voter
21 Registration Card because it was not required many years
22 ago?

23 REPRESENTATIVE BROWN: That was also
24 discuss brought up and we discussed it, I think by 1972,
25 there was the requirement that people had to -- those

1 birth dates had to be entered in. --

2 REPRESENTATIVE HOCHBERG: So anybody who
3 registered earlier than that do not have to have their
4 birthdays in there and those would have to be exactly
5 the people that you're talking about?

6 So I ask you again: How do you know
7 they're 80?

8 REPRESENTATIVE BROWN: Well, and I do have
9 to go all through this again: There are many ways and
10 if there's suspicion that they are at that age, then
11 there's some authority from the elections administrator
12 to question that vote.

13 REPRESENTATIVE HOCHBERG: Let me ask you
14 one other question while I have the opportunity of being
15 at the mic, and that is that you referred to the
16 interview between Mr. Baker, Mr. Carter and I believe
17 Margaret Warner of the News Hour earlier when you were
18 talking about what they had said.

19 I have a copy of that interview in front of
20 me. And in that interview, Mr. Baker said that the
21 recommendations tie Voter ID to registration.

22 So the implication that clearly what he was
23 saying is under his system, anybody with a Voter ID
24 card, which would of course be the driver's license
25 under the Real ID Act would be able to vote without

1 having to register for a separate card.

2 Is there an Amendment that you're planning
3 to offer later to be consistent with Mr. Baker's
4 recommendation that if you had -- that you do not have
5 to further register separately from the driver's license
6 that you would require people to show.

7 Are you avoiding that part of the
8 recommendation in favor of just this one?

9 REPRESENTATIVE BROWN: Well, I'm not
10 avoiding that part of the recommendation. It's just
11 that the Real ID Act is in the process right now and
12 it's supposed to be implementing. But there has also
13 been a push to move that date out.

14 And in the meantime we need to be having
15 people prove they are who they say they are at the
16 polls. I'm not trying to avoid that. It's just not
17 part of this bill. You know --

18 REPRESENTATIVE HOCHBERG: But, ma'am, the
19 recommendation of the committee has stated in that
20 interview that you carefully read is this be implemented
21 once the Real ID Act is in effect that was designed to
22 tie to it.

23 And so if you're waiting for the Real ID
24 Act in order to implement some of the recommendations,
25 why would you not wait for the Real ID Act in order to

1 implement them all?

2 REPRESENTATIVE BROWN: We are addressing
3 one problem at a time. Okay?

4 We see this as a problem have we see
5 something that is, we feel, is easily addressed and it's
6 something that we can correct, and close this loophole
7 and have fair elections.

8 It's also about the integrity of the
9 process. That's all it's about.

10 REPRESENTATIVE HOCHBERG: Thank you, ma'am.

11 REPRESENTATIVE BROWN: The integrity of the
12 process. As people are more and more disillusioned with
13 the integrity of the process, we have less
14 participation.

15 And in a number of states, as they have
16 tightened up on their requirements to be able to vote,
17 they have had greater participation. And that's what we
18 hope for.

19 THE SPEAKER: The Chair recognizes
20 Mr. Herrero for an introduction.

21 REPRESENTATIVE HERRERO: Thank you,
22 Mr. Speaker, I'm joined by my colleagues, Mr. Ortiz,
23 representative Garcia in welcoming some high school
24 students from Corpus Christi.

25 They are attending Miller High School and

1 obviously they're here seeing the House Floor debate.

2 Along with them we have members of LULAK
3 that are being here as sponsors, as I call your name
4 they're sitting to my left, which is the northwest side
5 of the gallery. As I call your name, please stand up.

6 Tony Jimenez Jr., with LULAK, Raymundo Vaya
7 with LULAK. They have along with them members from
8 Miller High School staff, Ms. Wendy Aycox, Brad Martin,
9 John Meadows, Minerva Perez, Diane McCarty, Shelly
10 McCarty, and 42 proud Miller students from Corpus
11 Christi High School.

12 Help join me and welcome them to the
13 capitol.

14 THE SPEAKER: The Chair recognizes
15 Mr. Gallego for an introduction.

16 REPRESENTATIVE GALLEGO: Mr. Chairman, will
17 the gentleman yield?

18 THE SPEAKER: Yes.

19 REPRESENTATIVE GALLEGO: Thank you,
20 Mr. Speaker. I appreciate the opportunity to introduce
21 some guests who are here.

22 Members, you all may have read or seen a
23 lot of publicity lately on the Lone Star Fugitive Task
24 Force that has been set it up. Actually it's made up of
25 about 30 different agencies, local, district and state

1 agencies around the state.

2 The goal is to make sure that repeat and
3 violent offenders who are fugitives who are brought to
4 justice.

5 We have several members of the task force
6 here in the gallery today. In the east gallery, the
7 U.S. Marshall Lafayette Collins, Chief Deputy, John
8 Butler, and a colleague of mine, the Sheriff of Uvalde
9 County, Sheriff Cherry Crawford.

10 And all the members of the task force, if
11 you will please stand and be recognized. Welcome to the
12 Texas House of Representatives. And thank you for your
13 service, not only to law enforcement but to all of us
14 here in the state. Thank you.

15 THE CHAIR: Mr. Jackson, for what purpose?

16 REPRESENTATIVE JACKSON: I'm waiting for
17 Mr. Dunnam.

18 THE SPEAKER: Dunnam to close on his
19 Amendment to the Amendment.

20 REPRESENTATIVE JACKSON: I have to admit
21 I'm a little perplexed by the 65. I'm way over 65, and
22 I don't have a foot in the grave yet, and I --

23 REPRESENTATIVE DUNNAM: Good for you.

24 REPRESENTATIVE JACKSON: And I just don't
25 know many people at my age who do.

1 And you know, when Representative Brown
2 brought forth the 80, but where in the world about did
3 you get 65?

4 REPRESENTATIVE DUNNAM: I think that's the
5 universal retirement age, when people understand that
6 they're going to retire and when they're going to go
7 about business. Where did they get 80 in I don't
8 understand where did they get 80? Why not 79? 78?

9 REPRESENTATIVE JACKSON: I think that may
10 have used to have been the universal retirement age but
11 the universal retirement age for those of us today is
12 something over 65.

13 REPRESENTATIVE DUNNAM: Well, sorry.

14 REPRESENTATIVE JACKSON: And, you know, I
15 still have a driver's license. I still got most of my
16 teeth.

17 REPRESENTATIVE DUNNAM: Good question.

18 REPRESENTATIVE JACKSON: I just wondered
19 how you got 65.

20 REPRESENTATIVE DUNNAM: That has been
21 traditionally, people in the United States of America
22 have been understood to retire, and at 65 people are
23 eligible to draw their Social Security and you can draw
24 your Social Security without a photo ID.

25 There's not a photo on your Social Security

1 card: And I think we ought to take seniors out of this
2 issue. We shouldn't have it to where a senior is not
3 allowed to vote because they left their Voter ID card at
4 home or they don't have two photo IDs or they don't have
5 two regular IDs.

6 Why are we hassling seniors with this?

7 REPRESENTATIVE JACKSON: It seems to me
8 like you just have a lot smaller expectations for people
9 my age than I do.

10 REPRESENTATIVE DUNNAM: No. I don't. I
11 just don't know why we're hassling them. I mean, AARP
12 is against this bill and I think they're a very
13 responsible organization and reasonable organization.

14 This is not about people being too decrepit
15 to vote. This is not people not being interfered with
16 when it's in their constitutional right.

17 REPRESENTATIVE JACKSON: We still get to
18 vote but, Mr. Dunnam, tell me, just for -- if we were to
19 vote for your Amendment, will you support the bill?

20 REPRESENTATIVE DUNNAM: This bill, no. No.
21 I'm not going to do that because I don't think we should
22 be hassling young people. I don't think we should be
23 hassling minorities, and I don't think we should have
24 people that are covered under the Voting Rights Act.

25 I think we should make it easier for people

1 to vote. Not harder for people to vote. I think we
2 should have election day registration. Same-day
3 registration.

4 I think we should had do everything we can
5 to let people be franchised in voting and participating
6 in road blocks that make people either unable to vote or
7 hesitant to vote or intimidated against voting. That's
8 what I believe.

9 But, you know, if we want to put some icing
10 on the pig, this is the way to do it. And let's get
11 seniors out of the deal. Let's get the seniors off this
12 debate.

13 REPRESENTATIVE JACKSON: Well, this senior
14 is or is not off this debate. This senior believes that
15 we should be full participants in the process and do all
16 the things other people have to do in order to vote and
17 not vote fraudulently.

18 REPRESENTATIVE DUNNAM: Well, I'm sorry you
19 feel that way.

20 But I'll tell you over half the people I
21 represent are protected by the Voting Rights Act because
22 they've historically had their voting rights suppressed
23 for years and decades.

24 And for us to do anything that makes it
25 more difficult for anybody in any system in the United

1 States to vote is reprehensible.

2 REPRESENTATIVE GONZALES: Mr. Speaker.

3 THE SPEAKER: For what purpose,

4 Ms. Gonzales?

5 REPRESENTATIVE GONZALES: Would the
6 gentleman yield for a question?

7 THE SPEAKER: Would the gentleman yield?

8 REPRESENTATIVE DUNNAM: Yes.

9 THE SPEAKER: The gentleman yields.

10 REPRESENTATIVE GONZALES: Representative
11 Dunnam, did you see the studies from the Brennan Center
12 that said that about 6 million of American citizens did
13 not have any current government issued photo
14 identification?

15 REPRESENTATIVE DUNNAM: I haven't but that
16 would not surprise me at all.

17 REPRESENTATIVE GONZALES: And so what your
18 Amendment is trying to do is saying that if you've
19 reached that age, that we don't want to keep you from
20 voting. We don't want to keep anybody from voting; is
21 that right?

22 REPRESENTATIVE DUNNAM: I think that's true
23 and we should take retired Texans out of this debate.
24 And let's have the debate about everybody else, if
25 that's what we want to do but let's take the retired

1 Texans off this issue.

2 REPRESENTATIVE GONZALES: Did you see the
3 studies that showed, actually in Texas, when it comes to
4 all the states in the nation, we are one of the worse
5 when it comes to the percentage of turn-out of voting
6 age population?

7 REPRESENTATIVE DUNNAM: That doesn't
8 surprise me at all.

9 I know that in the districts that I studied
10 and followed, turn-out is low and I think that's because
11 we make it difficult for people to vote. We should make
12 it easier for people to vote. We should allow people to
13 show up on election day, register and vote.

14 REPRESENTATIVE GONZALES: I live right on
15 the border. Were you aware that in Mexico, they shut
16 down businesses, they shut down the day to make it
17 easier for people to go out and vote.

18 REPRESENTATIVE DUNNAM: And I believe that.
19 Maybe Mr. Martinez-Fischer, someone has a bill to make
20 election day a state holiday so that people will get off
21 and be able to go vote and they won't have to work 9:00
22 to 5:00 that day and possibly be unable to get to the
23 polls because of traffic and having to work late and
24 things like that.

25 REPRESENTATIVE GONZALES: So your bill is

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1 attempting to not discriminate against seniors; is that
2 right?

3 REPRESENTATIVE DUNNAM: Obviously people
4 agree that at some age we shouldn't have to supply to
5 our seniors. And I believe that the only logical
6 Amendment, and Ms. Brown has said 80, and I believe that
7 the logical age -- if we're going to exclude seniors, we
8 ought to take the traditional retirement age that we've
9 grown up and understood in the United States as 65 -- I
10 should have put 62, because you can start drawing Social
11 Security benefits at 62. You could have done 67 because
12 there are other rules that allow drawing at 67.

13 But 65 is the traditional retirement age in
14 the United States.

15 REPRESENTATIVE GONZALES: And there should
16 be some benefits to turning 65, shouldn't there?

17 REPRESENTATIVE DUNNAM: I think there
18 should be. If you could purchase tickets to the movie,
19 why can't you just vote?

20 REPRESENTATIVE GONZALES: That's right.
21 You have a good Amendment thank you.

22 REPRESENTATIVE DUNNAM: Thank you.

23 THE SPEAKER: Ms. Riddle.

24 REPRESENTATIVE RIDDLE: Mr. Speaker, would
25 the gentleman please yield.

1 THE SPEAKER: Mr. Dunnam, do you yield?

2 REPRESENTATIVE DUNNAM: Yes, sir.

3 THE SPEAKER: The gentleman yields.

4 REPRESENTATIVE RIDDLE: Representative
5 Dunnam, have you noticed, have you flown lately in an
6 airport or anything like that?

7 REPRESENTATIVE DUNNAM: I have flown, yes.

8 REPRESENTATIVE RIDDLE: And have you not
9 noticed the numbers of elderly and retired people at the
10 airport that are flying these days?

11 REPRESENTATIVE DUNNAM: I haven't noticed
12 that in particular.

13 REPRESENTATIVE RIDDLE: Well --

14 REPRESENTATIVE DUNNAM: There's folks
15 flying but there's always been folks flying.

16 REPRESENTATIVE RIDDLE: It's always crowded
17 and there's always a lot of retired folks there.

18 Are you aware that in order to board an
19 airplane or go in a federal building or do a number of
20 other things, that the elderly have to have ID?

21 REPRESENTATIVE DUNNAM: I think that's
22 right. They also have to take their shoes off, but we
23 probably shouldn't have them have to take their shoes
24 off to vote.

25 REPRESENTATIVE RIDDLE: Well, Voter ID is

1 there for a reason. The purpose of having an
2 identification is there for a reason.

3 REPRESENTATIVE DUNNAM: But they have an
4 identification. This is someone that has shown up with
5 a Voter ID card that has their name and their address on
6 it and the government has sent them that document. And
7 that document says that they're entitled to vote at that
8 precinct.

9 So why should we turn them away because
10 they left their driver's license at home? And they're
11 also on the voter role? And there's a place that you
12 vote that put a stamp by your name. So they know if you
13 voted already.

14 So if somebody shows up again with another
15 Voter ID card or a different ID and tries to vote
16 understand Mary Brown's name, they'll see she's already
17 voted and they're not going to let them vote.

18 So I don't understand what the problem is
19 in terms of the real debate.

20 REPRESENTATIVE RIDDLE: Well, I just wanted
21 to draw a parallel.

22 But even to fly a plane, regardless of your
23 age, unless you're an infant or a child, you have to
24 have Voter ID.

25 REPRESENTATIVE: You have to have a Voter

1 ID to fly a plane?

2 REPRESENTATIVE RIDDLE: Not Voter ID. An
3 identification.

4 REPRESENTATIVE DUNNAM: But these people
5 have been given this on a document by the State of Texas
6 saying you are entitled to vote and they show up with
7 that document and that document matches a list that the
8 voter registrar has.

9 They compare it and we're going to say,
10 yeah, but we're not going to let you vote unless you
11 have two other IDs. That's insanity. Why are we going
12 to do that in the United States?

13 REPRESENTATIVE RIDDLE: Because we have had
14 issues regarding fraud and we want to --

15 REPRESENTATIVE DUNNAM: Where?

16 REPRESENTATIVE RIDDLE: Well, you are
17 aware, I'm sure --

18 REPRESENTATIVE DUNNAM: Where?

19 REPRESENTATIVE RIDDLE: About 4,000 were
20 taken off of the voter rolls because they were not
21 citizens in Harris County alone. Are you aware of that?

22 REPRESENTATIVE DUNNAM: Well, your voter
23 registrar did a good job then.

24 REPRESENTATIVE RIDDLE: Yes, he did do a
25 good job.

1 There was about 4,000. And so, yes.

2 REPRESENTATIVE: I'm actually proud of
3 that.

4 REPRESENTATIVE RIDDLE: Did someone mention
5 about how they try to make it easier in Mexico to vote?

6 REPRESENTATIVE DUNNAM: Pardon me?

7 REPRESENTATIVE RIDDLE: Did someone mention
8 just a minute ago --

9 REPRESENTATIVE DUNNAM: Someone did.

10 REPRESENTATIVE RIDDLE: And what did they
11 have to say?

12 REPRESENTATIVE DUNNAM: They might have
13 said that you can register that same day. I don't
14 remember.

15 I haven't been to Mexico since I was like
16 in college and I don't remember much of that trip.

17 REPRESENTATIVE RIDDLE: Are you aware that
18 Mexico has developed an elaborate system of safeguards
19 to prevent voter fraud?

20 REPRESENTATIVE RIDDLE: I'm sorry?

21 REPRESENTATIVE DUNNAM: They have real ID.
22 They show their ID and they get to vote.

23 REPRESENTATIVE RIDDLE: Well --

24 REPRESENTATIVE DUNNAM: And we're going to
25 make them show a voter registration card that matches

1 another document and another photo ID or two photo IDs.

2 So I guess does that mean you can show them your Best

3 Buy card and your Sears card?

4 REPRESENTATIVE RIDDLE: Well in Mexico they
5 do have to show ID and then after voting, after they
6 cast their ballot, do you know what they have to do
7 after that?

8 REPRESENTATIVE DUNNAM: I don't know.

9 REPRESENTATIVE RIDDLE: From what I have
10 been --

11 THE SPEAKER: Mr. Smith raises the point of
12 order.

13 The gentleman's time has expired.

14 The point of order is well taken and
15 sustained.

16 REPRESENTATIVE DUNNAM: Members, I would
17 ask that you vote no on the motion to table and let's
18 take folks over 65 out of this issue.

19 THE SPEAKER: Members, Mr. Dunnam sends up
20 an Amendment. Ms. Brown moves to table.

21 All those in favor of the Motion to table
22 vote aye. Opposed vote no.

23 Clerk ring the bell. It's a record vote.

24 Show Ms. Brown voting aye. Show Mr. Dunnam
25 voting no.

1 Have all voted?

2 There being 71 ayes, 68 nays, one present
3 and not voting, the motion to table prevails.

4 Mr. Dunnam has asked for a verification,
5 Members if you'll take your seats, we can move along
6 with the verification faster.

7 The clerk will proceed with calling the aye
8 votes.

9 THE CLERK: Anderson? Aycock. Berman.
10 Bohac. Bonnen. Branch. Brown of Kaufmann. Brown of
11 Brazos. Callegari. Chisum. Christian. Cook of
12 Navarro. Craddick. Crownover. Darby. Davis of
13 Harris. Delisi. Driver. Eissler. Eiland?

14 Is Mr. Eissler on the floor of the House?

15 THE SPEAKER: Strike his name temporarily.

16 THE CLERK: Elkins. Flynn. Gattis.
17 Goolsby. Haggerty. Hancock. Hardcastle. Harless.
18 Harper-Brown. Hartnett. Hartnett?

19 THE SPEAKER: Mr. Hartnett on the floor of
20 the House?

21 Strike his name temporarily.

22 THE CLERK: Hilderbran. Hill. Howard of
23 Fort Bend. Howard of Fort Bend. Hughes. Isaac.
24 Jackson. Keffer. King of Parker. King of Taylor.
25 Kolkhorst. Kuempel. Latham. Latham.

1 THE SPEAKER: Is Mr. Latham on the floor of
2 the House?

3 Strike his name temporarily.

4 THE CLERK: Laubenberg. Macias. Madden.
5 McCall. Miller. Morrison. Mallory. Murphy. O'Day.
6 Orr. Otto. Parker. Patrick. Paxton. Phillips.
7 Pitts. Riddle. Smith of Harris. Smithee. Straus.
8 Swinford. Talton. Taylor. Truitt. Van Arsdale.
9 West. Wooley. Zedler. Zerwas.

10 THE SPEAKER: Clerk, proceed to calling the
11 no vote.

12 THE CLERK: Allen. Alonzo. Anchia.
13 Bailey. Bolton. Burnam. Castro. Chavez. Cohen.
14 Coleman. Cook of Colorado. Davis of Dallas. Deshotel.
15 Dukes. Dunnam. Dutton. Eiland. England. Escobar.
16 Farabee. Farrar. Frost. Gallego. Garcia. Geren.
17 Giddings. Gonzales. Gonzalez Toureilles. Guillen.
18 Hamilton. Heflen. Hernandez. Herrero. Hochberg.
19 Hodge. Homer. Hopson. Howard of Travis. King of
20 Zavala. Krusee. Leibowitz. Lucio. Mallory-Caraway.
21 Martinez. Martinez-Fischer. McClendon. Mendendez.
22 Merritt. Miles. Naishtat. Noriega. Olivera. Olivo.
23 Ortiz. Pickett. Puente. Quintana. Raymond. Ritter.
24 Rodriguez. Rose. Smith of Tarrant. Strama. Thompson.
25 Turner. Truitt. Vaught. Villarreal. Vo.

1 THE SPEAKER: Mr. Eissler on the floor of
2 the House? Verify Mr. Eissler? Mr. Hartnett on the
3 floor of the House in verify Mr. Hartnett?

4 Mr. Latham on the floor of the House?
5 Verify Mr. Latham.

6 Members, the following members were present
7 voting aye but their machines malfunctioned, show them
8 voting ayes, Creighton. Solomons. The following
9 members but their machines malfunctioned. Veasey,
10 McReynolds, Pearson, and Farias.

11 The Chair announced the signing of the
12 following in the presence of the House.

13 THE CLERK: SB 192. SB 325, SB 507, SB844,
14 SCR 50.

15 THE SPEAKER: Members, there being 73 ayes
16 and 72 nays, the motion to table prevails.

17 THE CHAIR: The Chair lays out HB 1529
18 which was previously adopted.

19 The clerk will read the resolution in full.

20 THE CLERK: Here 1529 by Golsby. Whereas
21 Kenneth Ardoin with dedication and integrity and more
22 for more than 50 decades, and whereas Mr. Ardoin began
23 his notable career with Pfizer in 1965 as a
24 pharmaceutical sales representative and district
25 hospital manager, he was soon promoted to district

1 manager of the Chicago and Dallas district, serving with
2 distinction in this role when he joined the state
3 government relations division.

4 And whereas for 26 years, Mr. Ardoin worked
5 distinctively throughout the southwestern United States.
6 In 2001 he was named senior director of government
7 relations in public affairs and in this position he
8 supervised legislative and regulatory activity for
9 Pfizer's central region in the State of Texas.

10 And whereas Mr. Ardoin has shared his
11 professional expertise with a number of policy groups,
12 including the Texas drug utilization review board,
13 recently elected to the Executive Board of Directors of
14 the American Legislative Exchange Counsel. He has
15 further served as State Chairman in Texas and Louisiana
16 of the pharmaceutical research and manufacturers of
17 America.

18 And on the Board of Directors of the Texas
19 Civil Justice League and the Texas Bioscience Institute;
20 and whereas he has also served as a leader in his
21 community. An active member of the Rotary Club, the All
22 Saints Men's Club and the Flower Mound Summit Club.

23 He has served on the University
24 Interscholastic League Athletic Advisory Committee as
25 well, and served as the voice of the Flower Mound High

1 School Jaguars.

2 And whereas in 2007 Mr. Ardoin's career
3 will take a new direction when he joins his Alma matter,
4 the University of Louisiana at Lafayette, where he will
5 oversee external relations; and whereas Kenneth Ardoin
6 has earned the lasting respect of many with Pfizer.

7 He leaves the company with a legacy of
8 professionalism and a host of colleagues who wish him
9 the best as he embarks on a new chapter in his life.

10 Now therefore be it resolved that the House
11 of Representatives of the 80th Texas Legislature hereby
12 honor Kenneth A. Ardoin for his 42 years of service to
13 Pfizer in extending him sincere best wishes for
14 continued success.

15 And be it further resolved that an official
16 copy of this resolution be prepared for Mr. Ardoin as an
17 expression of high regard by the Texas House of
18 Representatives.

19 THE SPEAKER: The Chair recognizes
20 Mr. Golsby.

21 REPRESENTATIVE GOSLBY: Thank you,
22 Mr. Speaker and Members.

23 Ken has been a long time friend of our
24 family for more than 30 years. And just to tell you a
25 few things that you don't know and it wasn't in this

1 resolution, is that he spent more than 40 years with
2 Pfizer, in fact, the only job he ever had. He got there
3 and couldn't get loose. He served in many of the civic
4 organizations out in North Dallas and he called the ball
5 games at J.J. Pierce and Flower Mound High School.

6 Ken has worked real hard in getting me
7 elected my first time. In fact, he decided that he
8 needed to make a living and he didn't want to come down
9 here.

10 So at this time, I'm going to let
11 Ms. Truitt who has also the author of this co-author of
12 this resolution, make some comments.

13 THE SPEAKER: The chair recognizes
14 Mrs. Truitt.

15 REPRESENTATIVE TRUITT: Thank you,
16 Mr. Speaker, Members, I probably a good number of us in
17 this body know Ken Ardoin, and of course Pfizer, a lot
18 of their employees, their Texas presence is in my
19 district.

20 And Ken, unfortunately lives just outside
21 my district.

22 But nonetheless, he is a great friend and
23 this state is losing not only an outstanding individual,
24 but one whale of a cook.

25 So Ken, best wishes to you and all your

1 future endeavors and we are going to miss you like
2 crazy.

3 THE SPEAKER: The Chair recognizes
4 Mr. Golsby.

5 REPRESENTATIVE GOLSBY: And I failed to
6 mention what a great cajun cook he is, and he's really
7 going to be missed there.

8 But Ken is now going to start a new career.
9 He's going back to his Alma matter, he's going back to
10 the University of Louisiana at Lafayette, where he will
11 become the Director of External Relations.

12 And it wouldn't surprise me that he
13 continues to lobby for his Alma matter at the Louisiana
14 legislature.

15 And I've forgot to mention this, so Hardy
16 Hildenbrand is going to have a fit. That's his
17 fraternity brother.

18 Let me introduce at this time, Ken, would
19 you raise your hand.

20 With Ken is his daughter Michelle. Also
21 his son Scott and his wife Holly. And also his brother
22 Dave.

23 Welcome to the House and come back to see
24 us, Ken.

25 THE SPEAKER: The following Amendment to

1 the Amendment, the clerk will read the Amendment.

2 Mr. Leibowitz.

3 THE CLERK: Amendment by Leibowitz.

4 THE SPEAKER: Mr. Leibowitz to explain the
5 Amendment to the Amendment.

6 REPRESENTATIVE LEIBOWITZ: Thank you, Mr.
7 Speaker, Members, this Amendment just brings the 80 age
8 requirement down to 75. It brings it down to 75. I
9 figure if you've lived for three quarters' of a century,
10 then you don't really have to be obligated to prove
11 yourself to anyone or anybody.

12 And consequently I'm asking that those of
13 -- those Texans who are over the age of 75 be given the
14 respect and the deference that they deserve by not
15 having to change this approach in the later years of
16 their lives.

17 I move adoption.

18 THE SPEAKER: The Chair recognizes Ms.
19 Brown.

20 REPRESENTATIVE BROWN: Mr. Speaker,
21 Members, I still think that the 80 age is a very fair
22 and balanced approach to this. You know, I really think
23 if we were going to compromise, we would have gone the
24 other direction and had it been in conjunction with the
25 other bill. When we voted it out here that at age 90,

1 you would have to undergo further testing so that you
2 could renew your driver's license.

3 I think that we have given plenty of
4 reasons why 80 is a good age. You know, if we say 75,
5 then why not 70? Of course, we've already ruled out 65.

6 Why would we compromise on that? I think
7 80 is a good age to set it. Where you know longer have
8 to show your voter fraud. So I move to table.

9 THE SPEAKER: For what purpose?

10 REPRESENTATIVE CHAVEZ: Will the gentlelady
11 yield for a question?

12 THE SPEAKER: Will you yield?

13 REPRESENTATIVE BROWN: I'd be happy to.

14 THE SPEAKER: The lady yields.

15 REPRESENTATIVE CHAVEZ: Thank you so much,
16 Betty, I was at six elderly nutrition centers in my
17 district, seven senior services centers in any Chavez.
18 And a lot of nursing homes so I have a lot of elderly
19 people in my district, between 65, 80 and older, 90,
20 whatever.

21 And so I think that Representative Dunnam's
22 Amendment is a good Amendment. And let me explain to
23 you why.

24 Because in Hispanic borderland Texas, which
25 is predominantly Hispanic elderly, especially my

1 district. I represent the highest urban district with
2 over 90 percent Hispanic residents and voters is in any
3 district. Okay?

4 So many of these elderly people haven't
5 driven in 10, 15 years. So they don't have a driver's
6 license. Okay? They don't have a photo ID.

7 And so they go from the nutrition center
8 that is in the senior part of the center in the city of
9 El Paso Senior Center, as well as the basketball courts
10 and all that.

11 And then they go into another room, they
12 walk from their food and then they walk over to go vote.
13 Okay?

14 So I can tell you this: Many of them have
15 no form of photo ID. Many of them will not even have
16 their birth certificates because they might have a
17 baptismal certificate.

18 REPRESENTATIVE BROWN: I understand.

19 REPRESENTATIVE CHAVEZ: Many of them have
20 become citizens in the last 40 years so they don't have
21 a passport. And so your bill is going to significantly
22 impact Latino voter participation, especially with older
23 people.

24 So explain to me how you expect eight -- I
25 mean, why you think that 65 is not a fair age for people

1 like that? It's been 20 years --

2 REPRESENTATIVE BROWN: We're not talking
3 about 65 right now.

4 REPRESENTATIVE CHAVEZ: Well, on his
5 Amendment we are.

6 REPRESENTATIVE BROWN: Okay. We are.
7 Right. Okay. I thought you were talking about 65.

8 REPRESENTATIVE CHAVEZ: Yeah.

9 REPRESENTATIVE BROWN: I thought someone
10 had brought forward a 75.

11 REPRESENTATIVE CHAVEZ: Okay. Leibowitz is
12 75 now.

13 REPRESENTATIVE BROWN: Okay. 65 is off the
14 table. Now we're talking about 75.

15 I guess my question to you is: How we're
16 going to take care of all these older people that are in
17 these facilities that you're talking about.

18 REPRESENTATIVE CHAVEZ: How are they?

19 REPRESENTATIVE BROWN: Are they all of that
20 age? Are they all over 75?

21 REPRESENTATIVE CHAVEZ: No. They're all
22 over 65. To be eligible for this nutrition program, I
23 believe you have to be 62.

24 REPRESENTATIVE BROWN: Are they on
25 Medicaid?

1 REPRESENTATIVE CHAVEZ: Some of them.

2 REPRESENTATIVE BROWN: How did they get on
3 Medicaid without presenting a photo ID?

4 REPRESENTATIVE CHAVEZ: They have been on
5 Medicaid for many, many years. They might have a
6 Medicaid photo ID and I know that that's one of the
7 forms of documentation that's acceptable.

8 Some of them do not have that. How do you
9 expect -- I mean, you are causing a huge issue for
10 people who have been citizens, good standing citizens,
11 people who have not been afraid to participate in the
12 political process.

13 This kind of legislation prevents them from
14 voting because they've never had to present. They've
15 never had to present a photo ID. All they had was their
16 vote caused card.

17 Would you accept that someone has presented
18 in the last ten years -- would you accept that if
19 someone presented that they didn't need a photo ID?

20 REPRESENTATIVE BROWN: I think that you say
21 they do have a voter registration card?

22 REPRESENTATIVE CHAVEZ: Yes. They've been
23 registered forever.

24 REPRESENTATIVE BROWN: Okay. That could be
25 one form of their non-photo ID. I believe that if

1 they're in a facility like this, they have assets access
2 to some other form of non-photo ID.

3 REPRESENTATIVE CHAVEZ: Okay. What kind of
4 voter education are you going to do in this bill that's
5 going to tell every senior citizen the new law and what
6 they are going to be required to do and what are
7 eligible documents that are going to be acceptable?

8 REPRESENTATIVE BROWN: That's a very good
9 question and I'm so glad that you brought it up because
10 I had a conversation with the Secretary of State this
11 morning about all of the different possibilities for
12 getting the word out and there are numerous ways that we
13 can pursue that would be very cost effective because
14 mailings are already going out.

15 And one of them, of course, is just when
16 you send out the Voter Registration Card, that there
17 could be a notification in there, that next time they
18 vote that, they have to present a photo ID or two forms
19 of non-photo ID and all of those could be listed.

20 Also, this doesn't bear on the older
21 people, but I found out that the Secretary of State
22 makes it a practice to send out a Voter Registration
23 Card and a letter to every graduating senior in the
24 state. So that's another way that it would be very easy
25 to insert that information about the photo ID

1 requirements.

2 There's numerous ways, and when they
3 actually -- on the Voter Registration Card itself, it
4 discuss ways to put photo ID required on that.

5 REPRESENTATIVE CHAVEZ: I think you're
6 turning back the clock of time. We're going back to the
7 Coleman cold tax area.

8 REPRESENTATIVE BROWN: We are absolutely
9 will not.

10 REPRESENTATIVE CHAVEZ: The laws with this
11 legislation -- you are going to impact specifically
12 Latino voter participation with voter legislation.

13 REPRESENTATIVE BROWN: This is about the
14 integrity of the voting process. And that's all it's
15 about.

16 REPRESENTATIVE CHAVEZ: You cannot provide
17 the evidence, Betty?

18 REPRESENTATIVE BROWN: We've already did
19 that.

20 REPRESENTATIVE CHAVEZ: That there's masses
21 of people going out and saying that they're someone when
22 they're not. You can't give the evidence. It's not
23 there. People are not going out and illegally voting in
24 the numbers that you say they are. They're not.

25 REPRESENTATIVE BROWN: Are you just

1 refusing to admit that we have all of these people that
2 are on the polls that are deceased that are still voting
3 that case after case after case, people not only vote
4 once about you they continue to vote?

5 REPRESENTATIVE CHAVEZ: Well, I think that
6 75 is better, 65 would have been better, and I think
7 that your legislation is going to cause a deep cut into
8 Latino voter participation of elderly citizens of this
9 state.

10 And for that reason alone, I oppose it.

11 REPRESENTATIVE BROWN: The intent of our
12 bill is to increase the integrity of the voting process
13 and thereby to increase confidence that every persons'
14 vote will count.

15 One man, one vote is what we've stood
16 behind for a long time and we need to make it effective.

17 Move to table the Amendment, Members.

18 THE SPEAKER: The Chair recognizes
19 Mr. Leibowitz to close on this Amendment.

20 REPRESENTATIVE LEIBOWITZ: Thank you,
21 Mr. Speaker.

22 Members the, last vote on the 65 and older
23 was 73 to 72. And I think that there's, at least, one
24 of you good people out there that is going to exercise
25 the commonsense to cross over to the side of the light

1 and vote not to table this Amendment, which says if
2 you're 75 years of age or older, you've lived three
3 quarters of a century, then you don't have to change the
4 way you've been doing it all this time and you don't
5 have to -- the rules aren't going to be changed for you
6 in the middle of a game and you're not going to go to
7 the polls, possibly with some health problems and be
8 able to make it one time, and then be turned away and be
9 sent back home to find some sort of an ID that you were
10 never required to come back with in the previous, what?
11 50 some odd years of voting.

12 And that's what I'm asking. I'm asking
13 that we exempt those folks that are 75 years of age or
14 over from something to change the rules in the middle of
15 the game. And I ask you to vote against the motion to
16 table.

17 THE SPEAKER: Members, Mr. Leibowitz sends
18 up an Amendment. Ms. Brown moves to table.

19 All those in favor to vote in favor of the
20 motion vote aye. All those opposed vote no. It's a
21 record vote.

22 The clerk will ring the bell.

23 Show Mr. Ms. Brown voting aye. Show
24 Mr. Leibowitz voting no. Show Mr. Anchia voting no.

25 Have all voted?

1 There being 73 ayes, 69 nays, one present
2 not voting, the motion to table prevails.

3 THE SPEAKER: The following Amendment.

4 The clerk will read the Amendment.

5 Members, Mr. Leibowitz wants to verify the
6 last votes. If you'll take your seats, Members. Okay.
7 Members, if you'll take your seats, then we can start
8 the verification.

9 Members the verification request has been
10 withdrawn.

11 The following Amendment.

12 The clerk will read the Amendment.

13 THE CLERK: Amendment by Brown of Kaufman.

14 THE SPEAKER: The Chair recognizes Ms.
15 Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker,
17 Members, this Amendment simply says that an implication
18 that we do recognize is not from any other government,
19 then the federal government, any agency or political
20 subdivision or any other ID, then it is acceptable; and
21 it's from the federal government, as well.

22 Valid identification card, it contains a
23 photograph and issued by the federal government, an
24 institute or are a political subdivision is an obvious
25 state.

1 THE SPEAKER: Ms. Brown sends up an
2 Amendment: The Amendment is acceptable to the author.

3 Is there an objection?

4 The Chair hears none.

5 The Amendment is adopted.

6 The following Amendment.

7 The clerk will read the Amendment.

8 THE CLERK: Amendment by --

9 THE SPEAKER: Members, let's back up
10 because of verification withdrawn, we need a vote on Ms.
11 Brown's Amendment. Original Amendment, Perfecting
12 Amendment. Amendment No. 1. We just went to Amendment
13 2. We need to go back on Amendment No. 1. Adoption.

14 REPRESENTATIVE BROWN: I move adoption on
15 that first Amendment.

16 THE SPEAKER: Members, this is the first
17 Brown Amendment.

18 All those in favor say aye. Oppose the
19 nay.

20 The Amendment is adopted.

21 Now we're back on the second Brown
22 Amendment.

23 All those in favor say aye. Opposed nay.

24 The Amendment is adopted.

25 The following Amendment.

1 The clerk will read the Amendment.

2 THE CLERK: Amendment by Brown of Kaufman.

3 REPRESENTATIVE BROWN: Mr. Speaker,
4 Members, this is an Amendment that allows us to accept a
5 voter's word if they say that I can't afford a photo ID
6 from the DPS. I can't afford that nominal fee. That
7 they don't have to sign an Affidavit. We will accept
8 their word that they cannot afford it and it will be
9 issued free of charge.

10 THE SPEAKER: Members, Ms. Brown sends up
11 an Amendment. The Amendment is acceptable to the
12 author. Is there an the Chair hears none. The
13 Amendment is adopted.

14 The following Amendment.

15 The clerk will read the Amendment.

16 THE CLERK: Amendment.

17 THE SPEAKER: The Chair recognizes
18 Ms. Bolton for an Introduction.

19 REPRESENTATIVE BOLTON: Members, it's my
20 great pleasure today to introduce some international
21 visits to our capitol. They're up in the gallery just
22 behind the back mic. They're here with Fredricksberg
23 City Council member and his wife Kelly, and together
24 working to preserve the German heritage of our beloved
25 hill country here west of Austin.

1 And to that end they have visiting with
2 them Max and Edwina Bontmeyer of Munich Germany whose
3 annual vacations to our state do a great deal to support
4 international goodwill and the continued growth of the
5 Texas hill country economy.

6 Welcome so much to the Texas Capitol.

7 THE SPEAKER: The following Amendment.

8 The clerk will read the Amendment.

9 THE CLERK: Amendment by Anchia.

10 THE SPEAKER: The Chair recognizes
11 Mr. Anchia.

12 The Amendment is temporarily withdrawn.

13 The following Amendment.

14 The clerk will read the Amendment.

15 THE CLERK: Amendment by Turner.

16 THE SPEAKER: The Chair recognizes
17 Mr. Turner.

18 REPRESENTATIVE TURNER: Thank you,
19 Mr. Speaker and members.

20 What this Amendment does and in reference
21 to Representative Chavez was saying earlier -- what the
22 Amendment does, it simply says that for those people who
23 are presently registered, those who are presently
24 registered, that they will not have to go through the
25 additional demands called for by this bill.

1 What it simply says is that there are many
2 people who have been voting, especially our seniors and
3 others for quite some time under the present system.

4 And so instead of this being a departure, a
5 significant departure for them, for people who are
6 presently registered, people who have been voting like
7 my grandmother and mother and father's and your
8 grandmother's and father's for the last, 30, 40 years or
9 20 years, that we are not going to require them in order
10 to go through these additional steps.

11 If the intent of the bill is to reduce
12 voter fraud, for example in the future, then we can do
13 that without disfranchising those who have been voting
14 in the past.

15 So for the seniors who are concerned and
16 for the seniors who have been used to voting in a
17 certain manner, we shouldn't disrupt their practices by
18 this particular bill.

19 And so for those of us, and there are many
20 in this room, who would not be here without others
21 participating in the process, what this bill does is
22 that it maintains the status quo for individuals who
23 have been a part of the political process, and it says
24 for other people who have yet to register, moving
25 September 1st of this year going forward that, this bill

1 then will kick into play.

2 But Representative Davis, it would
3 grandfather people who have been operating by the rules
4 that we have put in place in the State of Texas and
5 would not disenfranchise them.

6 Because I think the greatest problem with
7 this bill would be for those people who have been voting
8 year after year in School Board elections and City
9 Council elections and a Presidential election, for
10 example that's coming up next year, it will not disrupt
11 their behavior.

12 REPRESENTATIVE HODGE: Mr. Speaker.

13 REPRESENTATIVE TURNER: Let me just finish,
14 Representative Hodge and then I will yield.

15 Because it does not make any -- and I guess
16 what is so disturbing right now for me is it doesn't
17 make any sense for us to be engaged in partisan politics
18 one way or the other if we are trying to improve the
19 democratic process.

20 And so for all Texans who are presently
21 registered and who have been operating by the rules who
22 are presently in place, we should not change the rules
23 on them in midstream.

24 And so it grandfather's people who are
25 presently in place, those who have been operating by the

1 rules who are presently in place.

2 And then it says from September 1st moving
3 forward, we will then utilize the new rules that have
4 been offered by HB 218 and I hope you will find it
5 acceptable and I hope the author will find it
6 acceptable.

7 I now yield.

8 REPRESENTATIVE HODGE: Mr. Speaker.

9 THE SPEAKER: Ms. Hodge, the gentleman
10 yields.

11 REPRESENTATIVE HODGE: Thank you.
12 Mr. Turner, I'm a little bit confused. I need you to
13 straighten me out.

14 REPRESENTATIVE TURNER: Okay.

15 REPRESENTATIVE HODGE: Are there any laws
16 that we make that are retroactive, I am familiar with
17 some policy procedures in criminal law that does not
18 create an ex facto condition. We have been able to make
19 some of them retroactive.

20 But are you saying that in Section 8 where
21 this says this act takes effect September 1st, 2007 --
22 are you saying that this would not be law moving
23 forward? Are you saying that this law then would be
24 retroactive without stating the fact that it says
25 effective on, before or after September 1, 2007?

1 REPRESENTATIVE TURNER: What the Amendment
2 says is that for those individuals who are presently
3 registered -- for example, if you are presently
4 registered right now --

5 REPRESENTATIVE HODGE: I mean, I know what
6 your Amendment is saying, but I'm asking you are you
7 saying that Section 8 of this bill that says this act
8 takes effect September 1, 2007? Are you not saying this
9 is for --

10 REPRESENTATIVE TURNER: It will still take
11 effect for September 1, 2007, but it would only apply
12 for those individuals who are not registered at that
13 point in time.

14 For example for new registrants --

15 REPRESENTATIVE HODGE: And that's my point.

16 REPRESENTATIVE TURNER: Correct.

17 REPRESENTATIVE HODGE: This bill effected
18 people --

19 REPRESENTATIVE TURNER: Who have been
20 voting for years and years and years and years, the way
21 it's presently written. Am I making sense?

22 REPRESENTATIVE HODGE: You are. But that
23 is not my point.

24 REPRESENTATIVE TURNER: Okay.

25 REPRESENTATIVE HODGE: Would my point is

1 would it not effect the people who register for voting
2 after September 1, 2007, only? This bill does not say
3 it is retroactive effecting people who had previously
4 registered to vote.

5 REPRESENTATIVE TURNER: The way the bill is
6 presently written, Representative Hodge, it will impact
7 everyone.

8 REPRESENTATIVE HODGE: Thank you.

9 REPRESENTATIVE TURNER: The way the bill is
10 presently written, even, for example, our grandparents
11 parents and grandparents, who have been voting for years
12 and years and years, they would be caught up in this
13 bill, as well as people who have never registered who
14 have never voted.

15 And in listening to the discussion early
16 on, it's my understanding that the intent of the authors
17 is to reduce voter fraud.

18 I don't believe the intent of the authors
19 is to bring about voter impersonation. And so for those
20 individuals, for those Texans, be that person democrat,
21 republican, black, white, Brown, Hispanic, regardless of
22 their political persuasion, for those people who have
23 exercised their democratic right to vote and who have
24 been doing it for years and years and years, and many of
25 our voting precinct judges know these people.

1 They have been coming to them year after
2 year, voting in non-elections, we should not in a sense
3 impose a greater hindrance on them because they have
4 participated based on the rules that we have put in
5 place.

6 And so if the intent is to eliminate voter
7 fraud and not to engage in voter impersonation, voter
8 suppression, then I believe the Amendment that we've
9 authored achieves that particular purpose.

10 Now, if the intent is to bring about voter
11 suppression, then that's a different thing.

12 REPRESENTATIVE MADDEN: Mr. Speaker, will
13 my friend Representative Turner yield?

14 THE SPEAKER: Will you yield for
15 Mr. Madden?

16 REPRESENTATIVE TURNER: I'd be more than
17 happy to yield.

18 THE SPEAKER: The gentleman yields.

19 REPRESENTATIVE MADDEN: Mr. Turner, the
20 problem I had with your Amendment is it's far more
21 technical than it is on the other things because --

22 REPRESENTATIVE TURNER: I'm ahead of you.

23 REPRESENTATIVE MADDEN: Because by doing
24 this, are you not, in fact, creating a dual set of lists
25 that would have to be used in every polling place in the

1 State of Texas that requires certain procedures for
2 certain voters because of the date they registered and
3 different procedures for someone else that registered on
4 a different date.

5 And isn't that basically unconstitutional?

6 REPRESENTATIVE TURNER: Well, no, I'm not
7 going to say it's unconstitutional representative mad.

8 Think when we are imposing additional
9 hurdles or additional requirements, let me use that
10 term, when we're imposing additional requirements in
11 order for people to exercise their constitutional
12 democratic right, then I think we ought to be very, very
13 careful.

14 REPRESENTATIVE MADDEN: You do understand
15 that our friends and our neighbors that are also working
16 in those polling places, right, and they are in fact,
17 going to be under your Amendment placed in a dual system
18 that they would have to treat voters differently that
19 would slow the process, I think of voting because it
20 would require, at least, a second check to see which
21 lists are they on and as to what date would they
22 register on and then require a separate set of
23 procedures for our clerk, would it not for them to deal
24 with certain people that registered on or before a
25 certain date and different procedures for those that had

1 been registered before that?

2 REPRESENTATIVE TURNER: I don't think it's
3 going to require any additional effort than what it's
4 been called for in the bill as it is presently written.

5 This is my intent and this is my objective,
6 Representative Madden.

7 REPRESENTATIVE MADDEN: Sure.

8 REPRESENTATIVE TURNER: If the goal of the
9 authors, for example is to reduce voter fraud, then I
10 understand where they're attempting to go. I believe my
11 Amendment makes it even better.

12 But if the intent is to bring about voter
13 suppression, then in the absence of this Amendment,
14 we're not going to be -- we'll be engaging more in voter
15 suppression than in eliminating --

16 REPRESENTATIVE MADDEN: Then I'm going to
17 respectfully disagree with you on that --

18 REPRESENTATIVE TURNER: I know. Let me
19 finish where I'm going.

20 Because this is, as I sat here and listened
21 to this debate. Okay, and then a part of the
22 appropriation process with the Attorney General's Office
23 coming before us during the appropriation process and
24 Representative McReynolds and Representative England can
25 attest to this, the Attorney General made out everything

1 laid out for us everything that they believe is needed.
2 Everything that is a priority.

3 REPRESENTATIVE MADDEN: Sure.

4 REPRESENTATIVE TURNER: When they talk
5 about Medicaid civil fraud, that came before us and we
6 provided additional moneys to the Attorney General.

7 The Attorney General did not ask for
8 additional dollars in this regard:

9 But if the effort is to reduce voter fraud,
10 we certainly don't want dead people voting -- I'm highly
11 in agreement with that. We don't want people who are
12 not eligible to be voting. I agree with that, but at
13 the same time for seniors and others who have been
14 voting for years and years, you know how easy it is to
15 confuse people, though well intentioned when it comes to
16 voting because we have been doing it for years, decades.
17 It is their habit --

18 REPRESENTATIVE MADDEN: But, Sylvester, for
19 example, if a senior citizen moves to the state of Texas
20 and now registers after September the 1st, they're going
21 to be treated differently than any other senior in Texas
22 who has been living here for a period of time under your
23 Amendment.

24 You know, if you're going to talk about
25 fairness to senior citizens, I would suggest to you that

1 that's, in fact, they all ought to be treated the same
2 whatever that way is and it's far less confusing for a
3 senior to be treated the same way as every other voter.

4 REPRESENTATIVE TURNER: Let me tell you the
5 difference, Representative Madden.

6 My Amendment places additional burden on
7 officials themselves, on the staff. It does not impose
8 the additional burden on law abiding constitutionally
9 eligible voters, and that becomes the issue.

10 REPRESENTATIVE MADDEN: Okay. I'm going to
11 disagree with you.

12 REPRESENTATIVE TURNER: Let me just say
13 this: If we are going to do this, whether I agree with
14 this bill or not. The bill is here on the floor.

15 The purpose of this Amendment is to make
16 the bill better. If it imposes a greater burden on the
17 administrative staff, so be it, as long as the greater
18 burden is not placed on people who like to vote.

19 REPRESENTATIVE MADDEN: If that greater
20 burden delays the voting process, makes it so that
21 people might be confused in the voting process and in
22 fact, discourages some from coming to the polling place,
23 you would argue that that's not to try --

24 REPRESENTATIVE TURNER: But, Representative
25 Madden, I would strongly differ and this is the reason I

1 would tell you: Without getting too far into history,
2 for those people who have had to fight to get the right
3 to vote, for women who got the right to vote in had
4 1920, for African Americans and others who got the right
5 to vote in 1965, when we start talking about imposing
6 additional hurdles and additional barriers, though well
7 intentioned, though well intentioned --

8 REPRESENTATIVE MADDEN: And I understand
9 that. I think your Amendment is, in fact, doing that
10 whereas I think you're well intentioned. I think your
11 Amendment is, in fact, putting additional burdens on our
12 polling people.

13 REPRESENTATIVE TURNER: And I would argue
14 that the bill as it presently exists engages in more
15 voter suppression than the elimination of fraud.

16 REPRESENTATIVE MADDEN: And I accept your
17 argument on the bill as it exists. But the argument
18 that we're having right now is on your Amendment
19 addresses more of the problems than it does the
20 resolution.

21 REPRESENTATIVE TURNER: And I understand.
22 But I didn't ask for the bill to come to the floor. The
23 bill is here.

24 And now the question is whether or not we
25 are going to make it better or whether or not we are

1 going to engage in more voter suppression than
2 eliminating the issue of fraud.

3 I offered the Amendment, Chairman Madden,
4 who I have the utmost respect for better and not
5 engaging in voter suppression.

6 REPRESENTATIVE BOHAC: Mr. Speaker. Will
7 the gentleman yield for a question?

8 REPRESENTATIVE TURNER: I will always yield
9 for my good friend and next door neighbor.

10 REPRESENTATIVE BOHAC: Mr. Speaker, you
11 know I love you.

12 REPRESENTATIVE TURNER: And I love you,
13 too. That's why I'm hoping I could get your support on
14 this Amendment.

15 REPRESENTATIVE BOHAC: Here's the only
16 reason I can't support it.

17 THE SPEAKER: The gentleman's time has
18 expired. The point of order is well taken.

19 REPRESENTATIVE TURNER: Let's continue the
20 love by voting for seniors and others to make the bill
21 better. I ask for your support on the Amendment.

22 THE SPEAKER: The Chair recognizes
23 Mr. Madden in opposition.

24 REPRESENTATIVE MADDEN: Mr. Speaker,
25 Members, what Representative Turner is, in fact, doing

1 is, in fact, creating a dual system is at the polling
2 place.

3 He's, in fact, creating one set of records
4 and documents for anybody who's registered on a certain
5 date before and another set that's afterwards.

6 And I will tell you that I would suspect
7 that in every polling place in Texas, whether that be an
8 early polling place or a regular polling place, that
9 it's going to cause voters to become rather upset and
10 voters to become disillusioned.

11 And while I respect his attempt on this
12 Amendment and I'm not debating the merits of the bill
13 one way or the other, the fact is that the Amendment as
14 an additional administrative burden, that specifically,
15 they are for this bill, and it's a specific burden that
16 would be there for particularly all of our election
17 workers that are working at any polling place, whether
18 it be in a city or a county election or whether it be in
19 a state election or any of those.

20 That, in fact, that burden is going to in
21 fact delay the polling process and that's why I
22 respectfully move to table Mr. Turner's Amendment.

23 REPRESENTATIVE ZEDLER: Mr. Speaker.

24 THE SPEAKER: Mr. Zedler, for what purpose?

25 REPRESENTATIVE ZEDLER: Would the gentleman

1 yield?

2 REPRESENTATIVE MADDEN: I yield.

3 THE SPEAKER: The gentleman yields.

4 REPRESENTATIVE ZEDLER: Mr. Madden, don't
5 you also see another issue here that's very, very
6 important, is that Mr. Turner's Amendment would
7 basically say that if you have someone who's been voting
8 all along that they, in essence, can continue to vote
9 that way without a Voter ID, right?

10 REPRESENTATIVE MADDEN: Though I respect
11 Mr. Turner's portion of the Amendment, that is a clearly
12 debatable point that we're having this debate on.

13 My objection to his Amendment is not
14 necessarily on that part of the point, but it's clearly
15 on the administrative differences that it places in our
16 polling places and I believe how difficult it would be
17 for the people running those polling places to
18 understand and, in fact, implement Mr. Turner's
19 Amendment.

20 REPRESENTATIVE ZEDLER: And wouldn't you
21 also agree though that what would prevent someone, if
22 they've been voting all along, and then they die, and
23 then someone comes along and simply continues to vote
24 for them.

25 REPRESENTATIVE MADDEN: Mr. Zedler, that

1 is, obviously a violation of current law.

2 It happens, then the person doing that
3 obviously needs to be prosecuted, whether it be under
4 current law or any other law that we have here.

5 And in doing that, photo identification is
6 part of this bill and that would probably eliminate that
7 if it's happening, when it happened, would probably keep
8 that from happening.

9 But it's not the direct part of what I'm
10 doing. Mr. Turner's Amendment doesn't specifically
11 address that issue.

12 REPRESENTATIVE ZEDLER: Right.

13 REPRESENTATIVE MADDEN: Mr. Turner's
14 Amendment specifically addresses a set of regulations
15 for somebody who registers before September 1st of 2007
16 and a different set of rules for somebody who registers
17 after that.

18 REPRESENTATIVE ZEDLER: Thank you.

19 REPRESENTATIVE MADDEN: Thank you.

20 REPRESENTATIVE TURNER: Mr. Speaker.

21 THE SPEAKER: Mr. Turner, for what purpose?

22 REPRESENTATIVE TURNER: Will the gentleman
23 yield?

24 REPRESENTATIVE MADDEN: Reluctantly,
25 Mr. Speaker.

1 THE SPEAKER: The gentleman yields,
2 Mr. Turner.

3 REPRESENTATIVE TURNER: Thank you,
4 Mr. Speaker.

5 Chairman Madden, on the HB 218, as it is
6 presently written.

7 REPRESENTATIVE MADDEN: Right.

8 REPRESENTATIVE TURNER: Who would have the
9 responsibility of checking your voter registration, as
10 well as your additional ID and if you don't have your
11 photo ID --

12 REPRESENTATIVE MADDEN: They would be doing
13 that at the polling place.

14 REPRESENTATIVE TURNER: And that would be
15 the administrative staff, correct?

16 REPRESENTATIVE MADDEN: That would be the
17 staff at the polling place. That would be your election
18 judges and your election clerks. That would be assigned
19 by the election administrator.

20 REPRESENTATIVE TURNER: And would it be
21 fair to say that the staff under HB 218 is going -- will
22 be required it to do even more under HB 218 than under
23 the status quo.

24 REPRESENTATIVE MADDEN: It would be fair
25 that currently under current law, Sylvester, if someone

1 came in with their Voter Registration Card that that's
2 what they have to show.

3 REPRESENTATIVE TURNER: Yes.

4 REPRESENTATIVE MADDEN: Without those, I
5 don't think it adds anything, specifically, to what they
6 would have to do because they would still at that stage,
7 without your Voter Registration Card, you do have to
8 show identification of who you are.

9 REPRESENTATIVE TURNER: Right. So would it
10 be fair to say that under HB 218, the staff at the
11 polling place is going to have to check everyone,
12 whether they're people who have been voting for 30 years
13 or whether people are just voting for the first time --
14 they are going to be required to go through the same
15 procedure.

16 REPRESENTATIVE MADDEN: They'll have those
17 same procedures set up. It will be a uniform and
18 standard provider that they do for every voter.

19 And under your Amendment it makes a
20 difference.

21 REPRESENTATIVE TURNER: Well, under my
22 Amendment, for example, it will say that for people who
23 are presently operating with their Voter Registration
24 Card, people who have been voting, seniors, for example
25 -- let me stay with seniors.

1 Seniors --

2 REPRESENTATIVE MADDEN: It doesn't have to
3 be seniors. It could be a 40-year old.

4 REPRESENTATIVE TURNER: Well, somebody
5 that's 18, 19, 21 or seniors. That if they have already
6 been dually registered and are voters, that they would
7 be grandfathered. Because, essentially, what the
8 Amendment does, do you agree, that it would grandfather
9 the status quo for people who are registered.

10 REPRESENTATIVE MADDEN: You and I have an
11 honest disagreement here. You, in fact, you do put
12 those people aside and set them separately under the
13 legislation.

14 REPRESENTATIVE TURNER: That is correct.

15 REPRESENTATIVE MADDEN: And set them aside.

16 REPRESENTATIVE TURNER: That is correct.

17 REPRESENTATIVE MADDEN: Your argument is
18 that that is in fact, the favorable to them. And my
19 argument is a counter that which says that basically by
20 setting up this dual standard, you're treating them one
21 way and you're treating all these other people once they
22 come on the list differently or possibly differently.

23 REPRESENTATIVE TURNER: And let it be very
24 clear: The intent of the Amendment is to grandfather
25 those people who are presently registered prior to the

1 enactment of this bill. There's no question about that.
2 That is my intent.

3 REPRESENTATIVE MADDEN: And I understand
4 your intent. But the intent and the application, as I
5 see it, are significantly different. And the
6 application you're requiring additional steps by those
7 poll workers now than they would have to be.

8 REPRESENTATIVE TURNER: Let's explore that:
9 Is the purpose of HB 218 to reduce voter fraud.

10 REPRESENTATIVE MADDEN: You'd better ask
11 that to the author. I'm speaking on your Amendment. I
12 believe that that's the primary thing is, in fact, to
13 reduce voter fraud.

14 REPRESENTATIVE TURNER: Do you support HB
15 218?

16 REPRESENTATIVE MADDEN: I do.

17 REPRESENTATIVE TURNER: And you are
18 supporting HB 218 for what reason?

19 REPRESENTATIVE MADDEN: I believe that it
20 will reduce the amount of voter fraud that we have here
21 in Texas.

22 REPRESENTATIVE TURNER: Your intent is not
23 to bring about voter suppression?

24 REPRESENTATIVE MADDEN: My intent is
25 definitely not to do that.

1 REPRESENTATIVE TURNER: Will you agree with
2 me, then, that under my Amendment, under my Amendment,
3 you end up getting them both. You end up reducing the
4 risk for voter fraud for anybody who's trying to come in
5 and get registered, and at the same time you don't
6 suppress those people who have been voting for years and
7 years at the status quo?

8 REPRESENTATIVE MADDEN: I don't think I
9 concur with you on the elimination of voter fraud
10 necessary for those out there in the system already.

11 For example, Mr. Zedler brought forward a
12 case which may have been extreme of somebody is deceased
13 and somebody using their records to vote for them.

14 I will tell you that the concerns I have
15 heard from any poll workers in my polls is that people
16 come in and they honestly don't believe the person is
17 who they say they are when they come in. They really
18 don't believe that they are. They think that same card
19 is being pass around and used in different places.

20 REPRESENTATIVE TURNER: They come in with
21 their voter certificate.

22 REPRESENTATIVE MADDEN: They come in with a
23 voter certificate that they that doesn't appear to be
24 the person that they say they are.

25 REPRESENTATIVE TURNER: Have they asked

1 them for information?

2 REPRESENTATIVE MADDEN: There have been
3 occasions, I believe, when they have.

4 REPRESENTATIVE TURNER: Do they give them a
5 provisional ballot?

6 REPRESENTATIVE MADDEN: They can, in fact,
7 do provisional ballots on those that they challenge;
8 they can challenge a voter and they can put them on
9 provisional ballot.

10 REPRESENTATIVE TURNER: Exactly. Exactly.

11 REPRESENTATIVE MADDEN: And you and I both
12 know that those things don't get counted in a lot of
13 cases, and I'd rather in all honesty if someone is who
14 they say they are instead of having someone be
15 challenged.

16 Let's say in one of our precincts in
17 Houston, if a voting judge was challenging a bunch of
18 your voters and they would go into their group of
19 ballots that we have over there that are challenge
20 ballots, I would prefer that if they had information
21 that showed who they were and showed that, than, in
22 fact, those ballots not be in that status but, in fact,
23 in a regular counted status.

24 REPRESENTATIVE TURNER: Right. But under
25 HB 218, is there a challenge there for provisional

1 ballots because I believe there is.

2 REPRESENTATIVE MADDEN: As far as I see in
3 this legislation, it doesn't change anything under the
4 ballot.

5 REPRESENTATIVE TURNER: And that's my
6 point. Under HB 218 there is still a provision for
7 provisional ballots under 218.

8 REPRESENTATIVE MADDEN: There is. But,
9 Sylvester, but I think by showing identification, I
10 think that that may, in fact, remove some of those
11 provisional ballots that are out there now.

12 REPRESENTATIVE TURNER: But I think the
13 point that I'm making, and I don't know how to express
14 this and my words may be inadequate to express it.

15 REPRESENTATIVE MADDEN: I have never heard
16 you have any inadequate words.

17 REPRESENTATIVE TURNER: But I want to do it
18 in such a way for you to understand where I'm coming
19 from.

20 REPRESENTATIVE MADDEN: Absolutely.

21 REPRESENTATIVE TURNER: Because HB 218,
22 when you start imposing additional requirements, people
23 who have been voting for years and years, it does give
24 the impression that we are trying to suppress a person's
25 right to vote rather than trying to --

1 REPRESENTATIVE MADDEN: Well, Sylvester, if
2 they're like me, and I've showed up several times
3 without my voter card and have honestly showed
4 identification as to who I am, and I think there's a lot
5 of voters who that's happened to.

6 I mean, I've seen them come in, you know,
7 off the golf courses, off of work, coming in and they
8 don't have they're identification. And they're very
9 quick to show at that stage who they are.

10 REPRESENTATIVE TURNER: I understand.

11 REPRESENTATIVE MADDEN: But that changes a
12 lot.

13 REPRESENTATIVE TURNER: But do you think
14 there's a law that would go to encourage voter
15 participation? Do you think it's a law that will go to
16 encourage democratic process?

17 REPRESENTATIVE MADDEN: I think it's
18 extremely important that all of us encourage every
19 citizen of the United States to participate in that
20 process. That's a major thing that we've been trying to
21 do through the years. Obviously, we did the voter
22 registration to get more people registered. We've got a
23 lot of those things --

24 REPRESENTATIVE TURNER: And will you agree
25 with me that if we impose too many hurdles, that there

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1 are people who have every right to vote, every
2 legitimate right to vote, who may be discouraged from
3 participating in the political process?

4 REPRESENTATIVE MADDEN: And I would agree
5 with you to impose any unrealistic hurdles.

6 Honestly I don't feel that this legislation
7 218 imposes any that are unrealistic. I will tell
8 you --

9 REPRESENTATIVE TURNER: But, Representative
10 Madden, don't you think it depends on your -- don't you
11 think if your history is different from my history, what
12 may impact you, what may not impact you may certainly
13 impact me?

14 REPRESENTATIVE MADDEN: It's certainly
15 possible and that could be in a lot of different ways
16 which we don't even recognize, Mr. Turner.

17 REPRESENTATIVE TURNER: Exactly.

18 THE SPEAKER: The Chair recognizes Mr.
19 Turner to close.

20 REPRESENTATIVE TURNER: Mr. Speaker and
21 Members, let me just say that what my Amendment does is
22 that it says that HB 218, as it is presently written
23 will effect any person who is not registered but seeks
24 to register as of September 1st going forward.

25 It is intended to grandfather people who

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1 have been voting for years and years and years.

2 For seniors, for your parents, grandparents
3 and others, who have been voting for years and years.

4 It is the intent of this Amendment to say to them, if
5 you've been coming to the polls with your Voter
6 Registration Card, you can continue to come to the polls
7 with your Voter Registration Card. We are not going to
8 impose a greater hindrance or a barrier for you.

9 REPRESENTATIVE CASTRO: Mr. Speaker.

10 THE SPEAKER: Will the gentleman yield for
11 a question?

12 THE SPEAKER: Do you yield, Mr. Turner?

13 REPRESENTATIVE TURNER: Yes, I yield.

14 THE SPEAKER: The gentleman yields.

15 REPRESENTATIVE CASTRO: Mr. Turner, you're
16 asking that current registered voters be grandfathered
17 into the clause; isn't that right?

18 REPRESENTATIVE TURNER: That is the intent
19 of the Amendment.

20 REPRESENTATIVE CASTRO: And don't we do
21 that hundreds of times, every legislative session for
22 businesses? For non-profits? For all sort of
23 organizations who come to us and ask us very
24 specifically to be grandfathered from one law or another
25 and most of the time we say, yes because we believe

1 that's the right and fair thing to do?

2 REPRESENTATIVE TURNER: This Amendment is
3 similar to what we have done on numerous occasions since
4 I've been here in the legislature.

5 And the effect is: It does not create a
6 chilling effect on people who have been voting over and
7 over and over again.

8 This is their behavior. This is their
9 habit. This is the way they're used to doing it. But
10 for you new people who are coming into our system, we
11 are creating a new set of rules and this is what should
12 take place. They are not effected it. Their habit will
13 not be changing.

14 REPRESENTATIVE CASTRO: Right. You're
15 saying hey, this is what you can expect going forward.

16 REPRESENTATIVE TURNER: Exactly.

17 REPRESENTATIVE CASTRO: As if you are a new
18 registrant.

19 REPRESENTATIVE TURNER: Exactly. But for
20 people who are voting for bond elections. City Council
21 elections, presidential elections in the past, then
22 we're going to grandfather you in.

23 And I believe it serves to make the bill
24 better. For those who are concerned about voter fraud,
25 then we are going to deal with that under HB 218.

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1 For those of us who are concerned about
2 voter suppression, then we deal with that. It creates a
3 balance.

4 And let me just point out something that I
5 don't think has been said: Bear in mind: Who has voice
6 opposition to this bill: You've got the baptist
7 convention of Texas who that has voiced opposition to
8 this bill. The league of women voters has voiced
9 opposition to this bill. The AARP, people with
10 disabilities have voiced opposition to this bill. And
11 the list goes on and on and on.

12 What this Amendment does, what this
13 Amendment does is that it allows the bill to improve.
14 It grandfather's seniors and others who have been voting
15 in one election after another. And then it says for new
16 participants, the new are participants coming into our
17 system, these are the requirements by which you must be
18 governed.

19 REPRESENTATIVE CASTRO: Let me just ask
20 you, finally: How in the world if we vote down this
21 Amendment are we going to go back to voters, registered
22 voters who have been voting, some for 40 or 50 years,
23 and tell them that when businesses come to us and ask to
24 be grandfathered when cities come to us and ask to be
25 grandfathered from new laws, when non-profits come to us

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1 and ask to be grandfathered and most of the time we say
2 yes because that's the fair and right thing to do? But
3 when the voters of Texas come to us ask to be
4 grandfathered, we say no?

5 REPRESENTATIVE TURNER: Well, I think we
6 have made it -- well, let me give you a case in point.
7 Let me give you a case in point.

8 Last week, last week, on TXU, now, let me
9 just say this and let me be loud and clear.

10 Last week on TXU, people argued on this
11 floor by retroactivity, retroactive, impacting
12 agreements that have already been in place and we
13 allowed TXU not to fall under provision has we put in
14 place --

15 REPRESENTATIVE VILLARREAL: Mr. Speaker.

16 REPRESENTATIVE TURNER: Let me just finish,
17 Mike.

18 If we can do it for TXU, yes grandfathered
19 them in, if we can grandfather the TXUs, can we not
20 grandfather people who have been voting in election
21 after election after election?

22 And I don't think, Representative Zedler,
23 that TXU should be held to any lighter standard or be
24 held any higher than the people in the State of Texas.
25 If it's good on one end it ought to be good on another.

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1 REPRESENTATIVE VILLAREAL: Mr. Speaker,
2 will the gentleman yield for a question?

3 THE SPEAKER: Mr. Turner, will the
4 gentleman yield to Mr. Villareal?

5 REPRESENTATIVE TURNER: Yes.

6 THE SPEAKER: The gentleman yields.

7 REPRESENTATIVE TURNER: I yield,
8 Mr. Speaker.

9 REPRESENTATIVE VILLAREAL: So we can
10 grandfather TXU but we can't grandfather grandfathers?

11 REPRESENTATIVE TURNER: Well, I'm hoping
12 that we will grandfather people who have been voting for
13 years after year after year.

14 REPRESENTATIVE VILLAREAL: But a more
15 serious question: I understand you're offering this
16 Amendment in order to address a concern about the
17 suppression of vote.

18 REPRESENTATIVE TURNER: Yes.

19 REPRESENTATIVE VILLAREAL: And the
20 suppression of vote, not randomly, not uniformly across
21 the electorate, but voter suppression that will
22 disproportionately impact African Americans and
23 Hispanics.

24 REPRESENTATIVE TURNER: And seniors have --

25 REPRESENTATIVE VILLAREAL: And seniors and

1 many other groups. But the fact is it will impact
2 groups differently; is that right?

3 REPRESENTATIVE TURNER: Well, let me just
4 find my little sheet of paper.

5 Let me just say this: In 2006 the
6 non-partisan Brennan Center found that 20 percent of
7 African Americans have no government-issued ID, nor do
8 18 percent of seniors 65 and older and 15 percent of
9 those who had earn less than \$35,000 a year.

10 So we're not just talking about one group.
11 We're talking about several groups.

12 And what I tried to indicate to
13 Representative Madden, and maybe I don't have the words
14 to express it, but for people who fought to get their
15 rights to vote, for people who fought to get their
16 rights to vote, to get the poll tax and all these other
17 elements, this just sends, I think, the wrong signal.

18 If they're interested in eliminating voter
19 fraud, we can do that without having to engage in voter
20 suppression.

21 REPRESENTATIVE VILLAREAL: Are you familiar
22 with the United States Election Assistance Commission?

23 REPRESENTATIVE TURNER: Vaguely.

24 REPRESENTATIVE VILLAREAL: This is a
25 bipartisan commission.

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1 THE SPEAKER: Representative Brown raises
2 the Point of Order. The speaker's time has expired have
3 the point of order is well taken and sustained.

4 REPRESENTATIVE VILLAREAL: Mr. Speaker, can
5 I move that the gentleman's time be extended?

6 THE SPEAKER: Members, vote aye, vote no on
7 extending Mr. Turner's time.

8 Have all voted? Being 80 ayes, 64 nays,
9 the gentleman's time is extended.

10 REPRESENTATIVE TURNER: Hopefully that's
11 reflective of the vote that will be on the Amendment.

12 REPRESENTATIVE VILLAREAL: Or the quality
13 of the question that's to come.

14 THE SPEAKER: I'll write the question down
15 and we'll compare it.

16 REPRESENTATIVE VILLAREAL: My question is:
17 Are you familiar with the United States Election
18 Assistance Commission?

19 REPRESENTATIVE TURNER: Vaguely I am.

20 REPRESENTATIVE VILLAREAL: It's the
21 bipartisan commission that was created out of the 2002
22 HAVA --

23 REPRESENTATIVE TURNER: Yes.

24 REPRESENTATIVE VILLAREAL: Yes. This
25 organization, this commission commissioned a study

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1 titled protecting the franchise or restricting it, the
2 effects of Voter Identification requirements on
3 turn-out.

4 And do you know what they found in the
5 study? They found that states with Voter ID laws had an
6 overall turn-out reduction of 3 percent. A figure that
7 reached 5.7 percent among African Americans and 10
8 percent among Hispanics.

9 REPRESENTATIVE TURNER: And the purpose of
10 the Amendment is to reduce any notion of voter
11 suppression by the bill. And the author has said what
12 my Amendment does is that it grandfather's people who
13 have been in our democratic electoral process for years.
14 But for those new voters, new people who chooses to vote
15 as of September the 1st, they will be governed by these
16 rules.

17 REPRESENTATIVE VILLAREAL: Do these
18 turn-out figures, the suppression of turn-out, do these
19 figures concern you?

20 REPRESENTATIVE TURNER: Very much so.

21 REPRESENTATIVE VILLAREAL: When I first
22 read the summary, I thought well, maybe these are just
23 overall numbers and, you know, maybe this is actually a
24 sign that there is an elimination of fraud.

25 But when I downloaded the study and started

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1 reading, I discovered that they drilled down all the way
2 down to the individual voter. And they developed
3 statistical models on individual voters who are then
4 followed up on who are actually registered voters.

5 REPRESENTATIVE TURNER: Right.

6 REPRESENTATIVE VILLAREAL: Not looking at a
7 high-level of county aggregate or state aggregate,
8 though they did that, also.

9 And so I think this is significant. It
10 doesn't just concern me.

11 REPRESENTATIVE TURNER: Well, if the intent
12 is to eliminate fraud and if people are going to
13 increase the penalty for those who engage in fraud, I
14 vote for that.

15 If we want to increase the fine for people
16 who are engaging in voter fraud, I vote for that. If we
17 want to make it very, very clear that if you engage in
18 fraud, dead people voting and you get caught and the
19 penalty should be enhanced because we want to maintain
20 the integrity of the process, I vote for that.

21 But if we are going to impose these type of
22 hurdles that for some who have had to overcome the
23 hurdles just to vote, and I'm talking about people who
24 are clearly American citizens, then I believe that is a
25 different subject matter.

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1 And so the Amendment simply says for those
2 of you who are already grandfathered in for new people,
3 these are the rules and I think we are able to address
4 voter fraud and voter suppression at the same time.

5 Having said that, I yield representative
6 Phillips.

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1 STATE OF TEXAS:

2
3 COUNTY OF HARRIS:

4
5 I, Kateri A. Flot-Davis, Certified
6 Shorthand Reporter in and for the State of Texas, hereby
7 certify that the foregoing transcript is done to the
8 best of my ability and reflects proceedings heard on
9 video recording.

10 I further certify that I am neither counsel
11 for, related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me this ____ of _____
16 , ____.



20 Kateri A. Flot-Davis

Kateri A. Flot-Davis

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Expiration Date: 12-31-13

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PROCEEDINGS

MR. TURNER: What price do we put on maintaining a person's right to vote? And I would suggest --

MR. PHILLIPS: -- the person tries to make sure they voted for --

MR. TURNER: Let me finish. Let me finish. Let me finish my thought. And that point is people have fought and died for the right to vote, okay? And to argue to me about the administrative cost for persons to have the right to vote is not a winning argument for me, not when people are fighting and dying for other people to have the right to vote. So, don't argue with me because I'm not (inaudible).

MR. PHILLIPS: I'm asking you questions about this so we understand your amendment. Subsequently, if there's somebody that's voted and they should not have been voting legally, your amendment is going to make it to where they can continue to vote illegally.

So, not only are we -- not only are you saying you're setting hurdles, what you're really doing is you're saying if someone has voted illegally in the past and shouldn't, then they are going to be able to do that because they -- they have been voting.

MR. TURNER: Absolutely not. What I said

1 is --

2 MR. PHILLIPS: That's the concern that I
3 have of your amendment.

4 MR. TURNER: Absolutely not. Let me
5 finish. Let me just say whatever the attorney general
6 needs -- whatever the attorney general needs in order
7 to -- in order to enhance the integrity of our system, I'm
8 prepared to give it to him. Whatever he needs. If he
9 needs more money in order to weed out people who are
10 engaged in voter fraud, I'm willing to give that to him
11 because I think that's a better way of getting to this
12 problem. But people are already -- Representative Brown
13 took an amendment that says if you're 80 years or older
14 you don't have to go through this.

15 MR. PHILLIPS: This amendment is in the
16 same vein. I think it separates things and allows people
17 to continue. You know, we had an election contest last
18 session. Someone had been voting that was not supposed to
19 be voting out of that because they were not a citizen, and
20 that came up as an issue.

21 MR. TURNER: That wasn't voting
22 impersonation. That person had voter ID, Mr. Phillips.

23 MR. PHILLIPS: I'm just saying there are
24 issues and if we can make sure and assure the public -- if
25 we can assure the public by simply showing an ID that they

1 have confidence in the elections, that's what we need.

2 MR. TURNER: But Representative Phillips,
3 why is there a (inaudible) in that saying to Texans who
4 have every right to vote. We want to encourage you to
5 vote. We want you to vote.

6 MR. PHILLIPS: We need more people to vote.

7 MR. TURNER: I'm not hearing that today.
8 Maybe is that my ignorance. Maybe it's my ignorance
9 because there are people who are fighting for other people
10 to have the right to vote. I'm not understanding.

11 MR. PHILLIPS: The states that have enacted
12 the same legislation we're looking at, they have higher
13 percentage participation than we do. So, if you look --

14 MR. TURNER: I don't know about that
15 because there's several states who have enacted similar
16 bills and their laws were struck down because they weren't
17 Constitutional.

18 MR. PHILLIPS: -- higher participation
19 rates in voting than we do.

20 MR. TURNER: All my amendment does --

21 MR. PHILLIPS: They are bringing the
22 concern that I think the complications your amendment
23 brings is not worth it to put on this legislation, and I
24 would ask you to bring -- bring it to a conclusion.

25 MR. TURNER: Representative Phillips, all

1 my amendment does is that it grandfathers people who have
2 already been voting in the political process for years and
3 years. It is in the same spirit that we voted on TXU, and
4 we grandfathered them in. What's the difference?

5 MR. JACKSON: Mr. Speaker --

6 SPEAKER: Mr. Jackson, for what purpose?

7 MR. JACKSON: Mr. Turner, does reality ever
8 get in the way of your philosophy?

9 MR. TURNER: Does reality --

10 MR. JACKSON: Ever get in the way of your
11 philosophy?

12 MR. TURNER: I would like to think that
13 reality and my philosophy go hand and hand.

14 MR. JACKSON: Sometimes reality gets in the
15 way of my philosophy, and I want to tell you as somebody
16 who has had to help recruit people to run elections,
17 this -- this would -- reality makes your amendment in my
18 opinion very impractical because it's very, very difficult
19 to get people to do elections and this would take more
20 people. It's not money. It's people. And it's very
21 difficult to do.

22 MR. TURNER: And, Representative Jackson --

23 MR. JACKSON: This would be a terrible
24 amendment for the elections department and for the people
25 running the --

1 MR. TURNER: Representative Jackson -- and
2 I respect your comment but, Representative Jackson, let me
3 tell you what my reality is.

4 MR. JACKSON: Okay.

5 MR. TURNER: For people in my background
6 who have been denied the right to vote for years and years
7 and who have died and who have been harmed and who have
8 had to go through poll taxes, they are already discouraged
9 in having the right to vote. And when you impose an
10 additional hurdle like this, it may not impact your
11 reality, but it certainly impacts mine.

12 So, I bring forth this amendment in order
13 to hold to your reality and to protect mine. It shouldn't
14 be a win-lose. It should be a win-win.

15 MR. JACKSON: It's lose-lose -- so your
16 people can vote, it's going to be a lose-lose.

17 MR. TURNER: Then if it's a lose-lose, then
18 218 should be a lose-lose because I didn't bring 218. And
19 so, if it's a lose-lose --

20 SPEAKER: Mr. turner, the gentleman's time
21 has expired.

22 MR. TURNER: I ask you to vote for the
23 amendment.

24 SPEAKER: -- sustained. Members, the
25 question occurs on the adoption -- members, the question

1 occurs on the motion to table of the Turner amendment.

2 All those in favor of the motion to table vote aye.

3 Opposed, vote no. Clerk, ring the bell. Show Ms. Brown
4 voting aye. Show Mr. Turner voting no.

5 Have all voted? There being 75 ayes, 68
6 nays, the motion to table prevails. Mr. Turner, that was
7 75/68. The other vote was 80/54. You did a great job
8 with your speech to reverse it.

9 Following amendment. The clerk will read
10 the amendment.

11 CLERK: Amendment by Anchia.

12 SPEAKER: Chair recognizes Mr. Anchia.

13 MR. ANCHIA: Thank you, Mr. Speaker,
14 members. During the layout of the bill and the subsequent
15 debate, one assumption has not been retested, and that is
16 the need for this bill. The Texas attorney general in
17 2005 said he was going to vigorously pursue voter fraud in
18 this state. Prosecuted approximately five cases, none of
19 which dealt with voter impersonation.

20 The Elections Assistance Commission, the
21 highest body related to assisting election officials,
22 looked into this issue and could not find any cases
23 nationwide of voter impersonation.

24 In Missouri where they looked at this
25 issue -- and that's the third state in the country to

1 impose a photo ID -- the then Secretary of State and now
2 Governor Blunt looked for voter impersonation and couldn't
3 find it.

4 In Ohio, a state-wide survey of 88 county
5 boards of election looked for ineligible persons
6 attempting to vote and voter impersonation. There's no
7 evidence in Ohio of voter employee impersonation.

8 In Washington state the looked at 2.8
9 million ballots and, similarly, no evidence. The Carter
10 Baker Commission looked at this issue and reported that
11 since October 2002 federal officials have charged 89
12 individuals nationwide with casting multiple votes,
13 providing false information about their felony status,
14 buying votes, submitting false information, and improperly
15 voting. Whether or not these 89 cases nationwide that
16 were found by the Carter Baker Commission constitute an
17 epidemic or extensive voter fraud, I'll let you draw your
18 conclusions because in those 89 cases you also had
19 hundreds of millions of votes cast but none of those 89
20 cases would have been prevented by HB218. Zero,
21 Mr. Zedler, none.

22 When we asked the Secretary of State's
23 office how many cases of voter impersonation have you
24 gotten complaints about in this state, zero cases. When
25 we asked the attorney general's office when we were

1 hearing this bill, we asked how many cases of voter
2 impersonation are you currently investigating? Zero
3 cases.

4 So, I ask you: When we're looking at the
5 right to vote and we see no voter impersonation, there
6 must be something else going on. And you know what? I
7 respect Representative Brown's about dead people voting.
8 I respect her concerns about non-citizen voting, but
9 neither of those are impacted by HB218 or would be
10 prevented by 218.

11 So, I have an amendment -- an amendment to
12 the amendment that's very similar to a bill that's going
13 to be coming to the floor very soon -- it's in
14 calendars -- by Representative (inaudible), and there's a
15 similar bill by Senator Janek, and it says that county
16 registrars are required to report to the Secretary of
17 State's office for purposes of harmonizing the statewide
18 database any people who show up on -- who are deceased or
19 any non-citizens who have disqualified themselves from
20 jury duty by checking the box that says non-citizen.

21 MR. CORTE: Mr. Speaker --

22 MR. ANCHIA: And just real, real quick,
23 Mister --

24 MR. CORTE: -- point of order for further
25 consideration that this amendment violates Rule 11,

1 Section 1 and 2 and 3, Section 30 of the Texas
2 Constitution.

3 SPEAKER: Bring the point of order down
4 front.

5 Members, the point of order -- point of
6 order is respectfully sustained.

7 Following amendment. The clerk will read
8 the amendment.

9 CLERK: Amendment by Liebowitz.

10 SPEAKER: Chair recognizes Mr. Liebowitz.

11 MR. LIEBOWITZ: Thank you, Mr. Speaker.
12 Members, this amendment exempts victims of weather-related
13 disasters like Hurricanes Katrina or Rita from the
14 requirement of providing multiple IDs to vote for one
15 year. It only applies to victims of a weather-related
16 disaster for which the governor issues a declaration of
17 disaster.

18 After a disaster, many people lose
19 everything they own, including all their IDs and all their
20 official documents like birth certificates. Many people
21 lose their vehicles, and public transportation systems get
22 disrupted for months after a disaster. That could make it
23 extremely difficult for citizens go get around to the
24 different government offices to get replacement documents.
25 This amendment gives victims one year to get their lives

1 together and get their officials papers reproduced if need
2 be. I move adoption.

3 SPEAKER: Chair recognizes Ms. Brown.

4 MS. BROWN: I have to oppose this
5 amendment. I understand what he's trying to do, and if we
6 could figure out a way to do it and keep it tight, then I
7 could support it.

8 How are these people going to prove -- how
9 are you going to prove that you are a victim at this point
10 of a hurricane? And as terrible as it is that those
11 people have gone through all of these problems, by now I
12 think they should have been able to acquire some form of
13 ID. If nothing else is to take advantage of all the
14 assistance that's been offered them.

15 So, I really think we're going to have to
16 oppose this to keep from opening the door to other forms
17 of fraud.

18 SPEAKER: Mr. Zedler, for what purpose?
19 Ralph?

20 MS. BROWN: Mr. Speaker, members, I
21 withdraw my objection to the amendment and I think we're
22 going to have a little legislative intent established
23 here.

24 SPEAKER: Chair recognizes Mr. Liebowitz.

25 Ms. Brown, for what purpose?

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1 MS. BROWN: Would the gentleman yield for a
2 question, please? Mr. Liebowitz, your amendment is
3 dealing with future disasters?

4 MR. LIEBOWITZ: Yes, ma'am.

5 MS. BROWN: We hope we never have one, but
6 chances are something would happen. And in that case --
7 and you don't have in mind a drought or anything that
8 would not interfere with a person's normal activity so
9 that they could -- so they still have access to vote their
10 ID, their papers and so on. You're talking about a severe
11 natural disaster that would disrupt daily life to the
12 point that someone would not have access to their records;
13 is that correct?

14 MR. LIEBOWITZ: Yes, ma'am, that's correct.
15 And if Rita had hit Houston head-on and there had been
16 significant devastation, all this says is that from --
17 after the state of disaster expires, the proclamation by
18 the governor, from a year from that date of the expiration
19 of the proclamation of the disaster forward that if
20 someone cannot present the two IDs then they are still
21 going to be allowed to vote.

22 MS. BROWN: It would revert to present law?

23 MR. LIEBOWITZ: Yes, ma'am. If they were
24 in a county that was part of the declaration of disaster
25 by the governor's office.

1 MS. BROWN: And they were registered
2 voters.

3 MR. LIEBOWITZ: Yes, ma'am.

4 MS. BROWN: Showing on the records that
5 they were registered voters, it would revert to present
6 law?

7 MR. LIEBOWITZ: Yes, ma'am.

8 MS. BROWN: And your intent is not to
9 interfere with the intent of my bill?

10 MR. LIEBOWITZ: No. What I was concerned
11 about, Rita hitting Houston and terrible devastation and
12 an election being three weeks later, for example.

13 MS. BROWN: And the period of one year, you
14 would set for what reason?

15 MR. LIEBOWITZ: I just thought that was a
16 reasonable period of time from the date -- given that we
17 have election cycles and elections don't happen every day
18 or every week or even every month -- to allow between the
19 time they are digging the mud out of their homes and
20 bailing the water out and trying to reconstruct their
21 lives that it would be a reasonable period of time within
22 which they could have to get their duplicate documents.

23 MS. BROWN: All right. Thank you,
24 Mr. Liebowitz.

25 SPEAKER: Mr. Liebowitz sends up an

1 amendment.

2 MS. BROWN: Mr. Speaker?

3 SPEAKER: Ms. Brown, for what purpose?

4 MS. BROWN: I move that we reduce the
5 conversation that we had to writing and put in the House
6 journal, please.

7 SPEAKER: Everyone heard the motion. Is
8 there any objection? Chair hears none.

9 Mr. Liebowitz sends up an amendment. The
10 amendment is acceptable to the author. Is there any
11 objection? Chair hears none.

12 Mr. Veasey?

13 CLERK: Amendment by Veasey.

14 SPEAKER: Chair recognizes Mr. Veasey.

15 MR. VEASEY: Thank you, Mr. Speaker,
16 members. This amendment that I have is a simple
17 amendment, and it exempts from this bill Texas limited
18 counties that have failed under Section 5 of the Voting
19 Rights Act to acquire pre-clearance for voting method or
20 change. And basically what this would do is the counties
21 that have currently or that have been in trouble in the
22 past for parts of Section 5, it would exclude them from
23 this bill.

24 MS. BROWN: Mr. Speaker, members -- I'm
25 sorry.

1 SPEAKER: Chair recognizes Ms. Brown.

2 MS. BROWN: Mr. Speaker, I have to oppose
3 this amendment. We need to keep our -- the law uniform
4 across the state so that people understand what we expect
5 of them, so that our election workers understand what's
6 expected of them, and we certainly -- by this, we are
7 certainly not supporting, recommending any kind of voter
8 discrimination, any kind of obstacle placed in the way of
9 legal voters. We are encouraging people to get out and
10 vote, but this is back to the beginning. This bill is
11 about the integrity of the election process. We want
12 to -- to make that as strong as possible and to restore
13 confidence in our election system.

14 So, I do move to table the amendment.

15 SPEAKER: Mr. Veasey to close.

16 MR. VEASEY: Well, I want to respectfully
17 disagree with --

18 MR. ORTIZ: Mr. Veasey, what is the intent
19 of your amendment?

20 MR. VEASEY: Right now, the way this bill
21 was written, it puts a barrier in front of people that
22 would like to exercise their right to vote. It puts a
23 barrier in front of people who at one time or another
24 found it very hard in this state to vote, and I want to
25 make it to where they feel comfortable coming to the

1 polls. That's what this amendment is all about, is
2 keeping the level of comfort-ability, keeping the laws the
3 way that they are because people have died for this right.

4 I think Sylvester Turner pointed it out
5 very eloquently earlier that there are still people living
6 in this state -- people always think that all of this
7 stuff happened a long time ago, but there are still people
8 living in this state that have experienced levels of
9 discrimination that you or I will never experience in the
10 voting poll because hopefully our country will never go
11 back in that direction, but I don't want to put them in
12 through this again.

13 MR. ORTIZ: So, how many counties have been
14 in violation of the Voter Rights Act, would you say?

15 MR. VEASEY: There's been quite a number of
16 counties in the state. As you know, in Texas we were one
17 of the states that, you know, committed quite a number of
18 atrocities back here in recent memory and that is the
19 reason why I wanted to offer this amendment up.

20 MR. ORTIZ: Well, Mr. Veasey, I believe you
21 have a great amendment, and I join you in supporting it.

22 SPEAKER: Mr. Berman, for what purpose?

23 MR. BERMAN: Would the gentleman yield?

24 SPEAKER: Does the gentleman yield?

25 MR. VEASEY: Yes.

1 MR. BERMAN: Mr. Veasey, we've been talking
2 about this back here and there's no doubt in my mind there
3 has been discrimination in the recent past. There was
4 discrimination during the Civil War with the most
5 horrendous decision the Supreme Court ever rendered, the
6 Dread-Scott decision, which ended in the 14th amendment,
7 as you probably know.

8 But are you telling me that you don't trust
9 your constituents enough to just put an electric bill in
10 their pocket along with a voter registration card so they
11 can just show they are the person whose name is on the
12 voter registration? Do you have that little faith in your
13 constituency?

14 MR. VEASEY: I actually have a lot of faith
15 in my constituents, but one of the things that I know that
16 are different between my constituents and some of your
17 constituents -- because I know that some of your
18 constituents are very similar to mine, like your
19 constituents in north Tyler, but I'll tell you that people
20 in my district move a lot. A lot of times you'll move
21 from one apartment to the other, from grandmother's house
22 to your aunt's house because you may have an economic
23 liability that's preventing you from the dream of home
24 ownership. There would be a variety of different reasons.
25 Some people take the bus everywhere and they don't have an

1 ID. They don't have a car, and that's their mode of
2 transportation is the bus. There are a variety of
3 reasons -- a lot of reasons why people may not have ID.

4 We just voted -- we just had a vote last
5 week -- we just had a vote last week about failure to ID
6 and failure to ID from a law enforcement perspective and
7 we ended up voting that bill down, and one of the points
8 that I made when I was up here at the front mic was that
9 about 75 percent of the folks in Dallas County that were
10 arrested for failure to ID were African-American. A lot
11 of times in poor areas, people just don't have IDs. It
12 may be the difference between having an ID or having a
13 home or just being able to eat every day.

14 And so, that's the reason why there are
15 lots of different --

16 MR. BERMAN: Do you think those people that
17 you're talking about have a voter registration card? The
18 people that you're saying don't have an electric bill,
19 they don't have a water bill, they don't have a gas bill,
20 but they do have a voter registration card?

21 MR. VEASEY: Some of them have a voter
22 registration card. They have voted. Some people, when
23 they go to apply for certain benefits and things of that
24 nature, then they are registered to vote. Some people may
25 have taken the bus to the mall -- I've registered

1 people --

2 MR. BERMAN: I have, too.

3 MR. VEASEY: -- may be coming to Town
4 Center Mall over in Fort Worth and they just happen to get
5 off the bus and say, "Hey, I want to vote."

6 MR. BERMAN: What counties does this apply
7 to? What 40 counties does this apply to?

8 MR. VEASEY: Say that again. I'm sorry.

9 MR. BERMAN: What counties does your
10 amendment apply to? Read the names of the counties or
11 some of them.

12 MR. VEASEY: Bexar County, Dallas County,
13 Denton County, Galveston, Harris, and -- and Travis and 47
14 other counties. Those are the large ones that I wanted to
15 point out. I don't have them all written down here.

16 MR. BERMAN: Thank you.

17 MR. HEFLIN: Mr. Speaker, will the
18 gentleman yield?

19 SPEAKER: Mr. Heflin. Will the gentleman
20 yield?

21 MR. VEASEY: Absolutely, yes, sir.

22 MR. HEFLIN: Mr. Veasey, these people that
23 don't have driver's licenses, basically what we're doing
24 here today is with this voter personal identification
25 certificate that they have to present is we're basically

1 reenacting a poll tax. Could we call it that?

2 MR. VEASEY: That's exactly what I call it.

3 MR. HEFLIN: So, we're requiring people
4 that are older -- elderly, disenfranchised, minority, poor
5 people, we're putting a tax on them to have to pay all
6 these documents to secure this identification card so they
7 can vote?

8 MR. VEASEY: That's absolutely right. And
9 really even bigger than that is we're putting another
10 barrier in front of them.

11 MR. HEFLIN: Now, in the bill there was
12 amendment if a person goes up and says that they are -- if
13 they state they are financially unable to pay the required
14 fee that it will be waived. Now.

15 How many people -- I don't want to argue
16 about a pride issue, but how many people are willing to go
17 up to a bank of total strangers at the voter
18 registration -- in front of total strangers and say, "I'm
19 too poor to pay this"?

20 MR. VEASEY: Not very many.

21 MR. HEFLIN: Do you think that would
22 discourage people from coming to vote?

23 MR. VEASEY: Lots of people would be
24 discouraged to vote. And let me tell you the problem.
25 Let me sort of regionalize this problem for you because,

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1 like I said, I've worked on campaigns before, have been
2 involved in this arena for quite some time. Take, like,
3 my district. It is an effort just to get people just to
4 come to the polls, but take an area just to the north of
5 me like Vicki Truitt's district where the level of home
6 ownership is very high, very affluent. The voter turnout
7 is already very high in those areas. I want to make sure
8 that the people that live in my part of Fort Worth, the
9 constituents that I represent, that they can continue to
10 go to the polls, that it's easy for them, and that they
11 don't feel that another obstacle is being put in their
12 way.

13 When people read about this law and when
14 people hear about this bill, they are going to think that
15 people are trying to discourage them from participating in
16 the electoral process and they're going to become
17 discouraged. They're going to say, "Oh, no, we have to go
18 through this all over again."

19 MR. HEFLIN: Thank you.

20 SPEAKER: Members, Mr. Veasey sends up the
21 amendment. Ms. Brown moves to table. It's a record vote.
22 Clerk, ring the bell. Show Mr. Brown voting aye.
23 Mr. Veasey noting no. Have all voted? There being 74
24 ayes, 67 nays, the motion to table prevails.

25 The following amendment. The clerk will

1 read the amendment.

2 CLERK: Amendment by Anchia.

3 SPEAKER: Chair recognizes Mr. Anchia.

4 MR. ANCHIA: Mr. Speaker and members, this
5 amendment is fairly simple, and it adds to the documents
6 that you can produce during your attempt to vote a signed
7 declaration under penalty of perjury affirming that you
8 are who you are.

9 See, what we have is a situation now where
10 voter impersonation is already illegal. Voter
11 impersonation is against the law. Voter impersonation
12 does not happen in any great number, and I articulated
13 that for you earlier when I was setting out the case on
14 the prior amendment. There's no evidence that it occurs,
15 and we take person's declarations when we allow them to
16 register to vote and this is under penalty of perjury that
17 carries serious, serious consequences that you are the
18 person you are.

19 SPEAKER: Mr. Anchia, do you yield to Mr.
20 Berman?

21 MR. ANCHIA: I yield to my chairman, Mr.
22 Berman.

23 MR. BERMAN: Do you strike "photo" from
24 your amendment? Do you strike photo from the bill?

25 MR. ANCHIA: I strike "photo" on Page 3,

1 Line 18.

2 MR. BERMAN: There's no requirement for a
3 photo ID; is that correct?

4 MR. ANCHIA: I believe that's correct, Mr.
5 Berman.

6 MR. BERMAN: Thank you very much.

7 MR. ANCHIA: So, this will replace -- this
8 will allow a person to say, "This is the person who I am,
9 and" --

10 MR. BOHAC: Mr. Speaker, will the gentleman
11 yield for questions?

12 SPEAKER: Gentleman yields.

13 MR. BOHAC: In Line 8 it says "a signed
14 declaration under penalty of perjury."

15 How do you know who the person is signing
16 if they don't have to show a driver's license?

17 MR. ANCHIA: That person has their voter
18 registration card. They say they are who they are, and
19 they make an affirmative declaration. They say, "I'm
20 coming here to vote and if I lie to you I'm going to go to
21 jail and then I'm going to have a civil fine."

22 So, there's a huge incentive for people to
23 tell the truth. When you ask someone to affirmatively
24 make a statement under penalty of perjury, that is placing
25 a pretty high standard and if the person is, in fact,

1 impersonating a voter -- which we have virtually no
2 evidence nationwide, certainly no evidence in Texas -- and
3 it's easily verifiable by a district attorney -- we have
4 talked at great length about the problems related to
5 prosecution. This is very simple. We will have a
6 statement and if that person is not who they say they are,
7 the DA can prosecute them, send them to jail, and hit them
8 with a heavy fine.

9 MR. BOHAC: If a person has already falsely
10 voted, they are probably not going to be very --

11 MR. ANCHIA: That's the beauty. There are
12 no people engaging in voter impersonation. How do you fix
13 a problem that does not exist?

14 MR. BOHAC: Well, that's your opinion.

15 MR. ANCHIA: That's a fact. I've cited
16 multiple studies, Mr. Bohac. In fact, it is your opinion
17 that it does exist and we have seen no evidence in
18 Texas -- and you sat on the same committee that I did.
19 You sat on the same committee. You heard the AG. You
20 heard the Secretary of State. Voter impersonation is not
21 a problem in this state. But I will acquiesce to you at
22 this point. I will say it is already illegal to
23 impersonate yourself and if you come in and sign a
24 declaration under penalty of perjury that you are who you
25 are and then are not the person you are, you will be

1 prosecuted.

2 MR. BOHAC: Well, most voters in Texas
3 across all parties lines, all ethnicities in a poll that
4 was done this past April 1st through 7th, 87 percent
5 of Democrats favor -- favor or strongly favor photo ID.
6 About 95 percent of all Republicans and 91 percent --

7 MR. ANCHIA: I saw that question, too. I
8 saw that same question.

9 MR. BOHAC: I get to ask the questions,
10 Rafael.

11 MR. ANCHIA: I'm answering it. I saw the
12 same question that was asked in that poll and,
13 interestingly enough, there's no information in that
14 question that lets people know what the ramifications are,
15 that 2 million Texans will be disenfranchised. I bet you
16 if you asked that question, you say, "Are you in favor of
17 2 million Texans being disenfranchised," the answer would
18 be overwhelming "no."

19 MR. BOHAC: Rafael, I did show you the
20 question (inaudible) respected pollster in the State of
21 Texas, and I have found the question to be very unbiased,
22 but that was your amendment. Let me go back just for a
23 moment.

24 So, when you strike "photo," are you
25 actually gutting the intent of this bill?

1 MR. ANCHIA: Yes. This bill -- this would
2 strike -- I'm pretty sure -- if somebody will lend me the
3 bill in front of you, but I believe it strikes -- it
4 creates an identification requirement rather than simply a
5 photo requirement. You're kind. Thank you. On Page 3 --
6 just let me take a look at it real quick because i want to
7 confirm that I'm saying the right thing.

8 Line 18, the follow documentation is an
9 acceptable form of -- and I will strike "photo" and say
10 "identification," okay, and that inclusive -- you can
11 still show your driver's license, you can still show the
12 military ID, you can still show the employee
13 identification -- and we'll talk a little about that later
14 because I think that creates more fraud than it seeks to
15 solve.

16 And then the other thing that it does is on
17 Page 4, Line 15 between safety or "or," Page 4, Line 15,
18 it says, "a license to carry concealed handgun issued to
19 the person by the" -- excuse me. This would create a sub
20 A under 7. So, we're deleting the "or" from Sub 7
21 creating another document that you can provide under
22 Subsection D -- Subsection A of the bill.

23 MR. ALONSO: Let me ask you another
24 question. No, Rafael, let me ask you --

25 MR. ANCHIA: I just want to provide some

1 clarification. If you need to extend my time, I will,
2 because I'm really sincere about this. The -- this, in
3 fact, does not gut the bill because it says --

4 MR. BOHAC: You said a moment ago yes. You
5 answered my question "yes."

6 MR. ANCHIA: But I'm going to answer it
7 "no" because in looking at the bill, it still says that
8 you have to provide one form of identification from
9 Subsection A, which includes all those things that I
10 listed, and it adds one. It adds one. It says in
11 addition to providing a driver's license, a military ID,
12 a -- a citizenship document, a student identification from
13 the state, a license to carry a concealed handgun, you can
14 also fill out an affidavit.

15 So, the bill actually remains the same in
16 terms of its requirement. It just adds an affidavit at
17 the end that says, "Hey, I can say who I am under penalty
18 of perjury and I will put myself at risk of being
19 prosecuted and enforced against both civilly and
20 criminally, and I'm willing to do that because I want to
21 vote and I say I am who I am.

22 MR. BOHAC: Thank you for answering my
23 questions, Mr. Anchia. Thank you, Mr. Bohac.

24 MR. ANCHIA: I appreciate the dialogue.

25 MR. HOCHBERG: Mr. Speaker?

1 SPEAKER: Mr. Hochberg, for what purpose?

2 MR. HOCHBERG: Will the gentleman yield,
3 please?

4 MR. ANCHIA: Yes, I yield.

5 MR. HOCHBERG: Mr. Speaker, thank you.

6 Mr. Anchia, this whole bill is hinged on the fact that the
7 impression that a photo ID -- that a driver's license is
8 somehow this perfect document.

9 Is it possible to fake a driver's license?

10 MR. ANCHIA: It happens all the time.

11 College students do it regularly. In fact, this bill does
12 not create any more integrity or security in the system.

13 It is clear that you can buy any of the documents on this
14 bill and have them forged. College students do it all the
15 time to drink. And the one thing that's really curious is
16 in this bill is under Subsection C, any employment ID is
17 good enough.

18 Now, how are you going to get a poll worker
19 to determine that the ID from Dunham & Dunham is -- is
20 right? How are you going to get someone from Hockberg &
21 Associates -- someone who works at Hockberg &
22 associates -- to be able to verify the IDs that you pass
23 out to your employees? That creates a huge problem. I'll
24 speak to that in another amendment, but I think this is,
25 frankly, going to create more fraud potentially than it

1 seeks to address.

2 MR. HOCHBERG: So, the amendment that
3 you've got before us where you're getting a signed
4 statement that's enforceable by law, is that Mr. Noriega's
5 false ID?

6 MR. ANCHIA: This is clearly a fraud. This
7 is a Texas State Official identification card, and the
8 person in this picture has hair. I mean, this is clearly
9 a fraudulent document.

10 MR. HOCHBERG: So, he wouldn't be able to
11 vote, though, if he presented that.

12 MR. ANCHIA: The reality is that people
13 probably wouldn't recognize him because the person in that
14 picture doesn't look like the person who is here today.

15 MR. HOCHBERG: Let me ask you something
16 else. We've been talking throughout this discussion about
17 the evidence that there was for voter fraud and about dead
18 people voting and, growing up in Chicago, I'm certainly
19 sensitive to the concept of dead people voting.

20 Have you looked at the paperwork that
21 Representative Brown was kind enough to let me peruse that
22 she was showing us as her evidence?

23 MR. ANCHIA: I have. I have. Some of
24 those same documents are the same ones that we saw at the
25 committee hearing, that's right.

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1 MR. HOCHBERG: Well, would it surprise you
2 to know that this evidence that Ms. Brown has offered us
3 has no evidence of voting since the year 2000?

4 MR. ANCHIA: Well, no, that doesn't
5 surprise me. Again, not only -- not only did the
6 documents that we received from Harris County have no
7 examples of voter impersonation, but the Secretary of
8 State, the attorney general. Nowhere in any of the
9 scholarly peer-reviewed documentation that we've taken a
10 look at on the subject is there one example of voter
11 impersonation. And, frankly, none of the cases related to
12 voter fraud -- none of the cases related to voter fraud
13 that are highlighted in any of those documents would be
14 fixed by 218. HB218 doesn't fix the problem that you have
15 there before you, Mr. Hochberg.

16 MR. HOCHBERG: Do you know what was used as
17 the source? What we heard was that these were a bunch of
18 people who had died and they were still voting.

19 Do you know what the source of the death
20 information was on this?

21 MR. ANCHIA: No, I don't.

22 MR. HOCHBERG: A website called
23 rootsweb.com, a free genealogy website.

24 SPEAKER: -- point of order is well-taken
25 and sustained.

1 Chair recognizes Brown in opposition.

2 MS. BROWN: Speaker, members, I have to
3 move to table this amendment. The question is how can the
4 DA easily prosecute for voter ID if there's no
5 verification mechanism? The person who signs their name
6 says that they are who they say are and that's it, there's
7 no documentation that they can present.

8 So, I think it's just another -- another
9 evidence of things that would weaken the bill and would
10 not give us the desired results. I move to table.

11 SPEAKER: Chair recognizes Mr. Anchia to
12 close.

13 MR. HOCHBERG: I'm sorry, Mr. Speaker. I
14 was waiting to ask Ms. Brown if she would yield. Did
15 she -- has she left the -- will she come back for
16 questioning?

17 SPEAKER: The lady yields.

18 MR. HOCHBERG: Thank you for doing that,
19 Representative Brown. Let me ask you the same questions
20 that I just asked Mr. Anchia.

21 Isn't it pretty easy to fake a driver's
22 license? Don't we have problems with alcohol enforcement
23 and cigarette purchase enforcement and everything else
24 because fake driver's licenses are fast and easy to obtain
25 and if somebody wanted to fraudulently vote, couldn't they

1 come up with the fake document?

2 MS. BROWN: I think that it's obvious it
3 can be done. We've seen examples of it, and this is not
4 going to solve all our problems. It's not a perfect bill.
5 It's one step. It is one step towards providing those
6 people who want to prosecute go after those people who are
7 voting illegally, who are presenting themselves as someone
8 they are not, giving our enforcement people a tool that
9 they can use. We're not just going to say, "Okay. You
10 enforce these voter laws that we're passing." We're
11 saying, "Here's a tool that you can use."

12 MR. HOCHBERG: But in the process of having
13 this tool that you claim we would have, there is a
14 possibility that people -- you recognized with the people
15 over 80 -- that you are creating barriers for some folks.
16 Let me ask you about the evidence that you showed us. You
17 were very kind in allowing me to look at this, and I've
18 had a chance during the however many hours we've had on
19 this bill to actually look at these.

20 Do you know what the total -- this looks
21 like a pretty big stack. How many supposed frauds are
22 there in this stack?

23 MS. BROWN: I didn't count them.

24 MR. HOCHBERG: Would you be surprised to
25 know that it's 44? Would you also be surprised to know

1 that none of them -- that almost all of them are from 1998
2 and 1996 with just a few from the year 2000 and none more
3 recently?

4 MS. BROWN: Do you know why that is? Would
5 you like to know why that is? Because they came from
6 Harris County, and Harris County has been working
7 diligently since the year 2000 to clean up their voter
8 rolls.

9 MR. HOCHBERG: Very good. So, we don't
10 have the problem in Harris County anymore?

11 MS. BROWN: I didn't say it was completely
12 taken care of because they have about a quarter of a
13 million names that they haven't been able to cross-match
14 with driver's license, Social Security numbers, or any of
15 that.

16 MR. HOCHBERG: Yes, ma'am. Are you aware
17 that --

18 MS. BROWN: -- those people who have voted
19 and there's no way to know definitely.

20 MR. HOCHBERG: Ma'am, are you aware that
21 nationwide roughly -- roughly 30 percent of all the names
22 that are submitted to Social Security for matching from an
23 elections office -- anywhere in this nation -- 30 percent
24 don't match those files for one reason or another?

25 MS. BROWN: And that just points to the

1 great need --

2 MR. HOCHBERG: Do you really believe that
3 30 percent of the people --

4 MS. BROWN: -- work on those lists and make
5 sure we do clean them up as much as we can.

6 MR. HOCHBERG: Absolutely. Do you believe
7 that that means that 30 percent of the people who are
8 registered to vote are fraudulent?

9 MS. BROWN: No, not necessarily.

10 MR. HOCHBERG: So, the numbers that we that
11 don't match --

12 MS. BROWN: It could be that high, but I
13 don't have any means --

14 MR. HOCHBERG: I don't think so either. In
15 fact, the numbers from DPS are only 10 percent, where
16 30 percent aren't matching in Social Security.

17 Don't you believe that that means that
18 we've got a problem in the matching system? So, when you
19 talk about the number that are not matched in Harris
20 County, you don't have any evidence that any of those are
21 fraudulent. You just know that right now they haven't
22 matched?

23 MS. BROWN: I think any time that you find
24 on the record that someone has voted fraudulently who
25 hasn't been -- who is not alive, for one thing --

1 MR. HOCHBERG: We haven't had any of those
2 not alives since the year 2000 in the evidence you've
3 presented.

4 MS. BROWN: I think from other counties we
5 have because we've had evidence presented from other
6 counties besides Harris County. It's just they had the
7 majority of the documentation and we ran with that.

8 MR. HOCHBERG: Ma'am, the documentation
9 that you provided from Harris County, the determination
10 that these people are no longer with us on this Earth is
11 based on -- is based on what? Do you know how they
12 determined that these people were allegedly dead?

13 MS. BROWN: I think it's from death
14 records.

15 MR. HOCHBERG: Ma'am, if you'll look on the
16 bottom of those pages that are printed out that show that,
17 these are from a website on the web, a free genealogy
18 website.

19 Have you looked at that website?

20 MS. BROWN: I personally haven't. My
21 husband does a lot of genealogy --

22 MR. HOCHBERG: If you look on that website,
23 one of the things it says right on the website is "You may
24 in fact find problems with this. You may find people that
25 are very much alive listed as dead on this website," and

1 it proceeds to tell you how to correct the website.

2 Now, are we using that as evidence that
3 dead people are voting?

4 MS. BROWN: I think this is just one
5 mechanism that they had for printing out.

6 MR. HOCHBERG: This was everything that you
7 gave us. Every one of them has that on it.

8 MS. BROWN: That's what was given me from
9 Harris County.

10 MR. HOCHBERG: So, you have nothing else
11 from Harris County that you can bring us as evidence that
12 this problem exists and is significant?

13 MS. BROWN: No, I think we did have some
14 more information from Harris County. Given a little bit
15 of time, I can present it.

16 MR. HOCHBERG: I would ask you to present
17 it if you have more evidence because waving a bunch of
18 papers that don't show what they portend to show doesn't
19 build a convincing case for your bill. Thank you, ma'am.

20 MR. COLEMAN: Mr. Speaker?

21 SPEAKER: Representative Coleman, for what
22 purpose?

23 MR. COLEMAN: Will the gentle woman yield
24 for a question?

25 MS. BROWN: I yield.

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1 MR. COLEMAN: I'm looking at
2 Mr. Bettencourt's letter, and it talks about -- and I
3 think this is -- and how about you? On here it talks
4 about those that don't have a match with the Department of
5 Public Safety from an ID saying that 1,783,000 voters in
6 Harris County, 182,366 cannot be validated against the
7 Texas Department of Public Safety's matching criteria with
8 first name or last name.

9 Doesn't that make the argument that there
10 are, at least in Harris County, potentially 182,366 adults
11 who don't have the ID that you're requiring?

12 MS. BROWN: It's possible, but not
13 probable. I would say because --

14 MR. COLEMAN: But since that's not a
15 requirement now, the letter that you've handed out -- and
16 I think this is the reason Mr. Anchia is bringing his
17 amendment -- it says very clearly that 183,366 people do
18 not have IDs in the system. So, if they don't have IDs in
19 the system, that means that they are operating without one
20 because they don't need one; is that correct?

21 MS. BROWN: They don't have to present an
22 ID. In fact, the only reason they are on there as not
23 having an ID is because when they registered to vote on
24 this application card I have here, you check a box if you
25 don't have a Texas driver's license or personal

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1 identification number. You check a box if you don't have
2 a Social Security number. And many people choose just not
3 to do that because they don't want to admit they have any
4 identification because they know that they could be
5 tracked with it.

6 MR. COLEMAN: The point of the matter is
7 that when asked, those folks said, "No, I don't." And
8 since they said that, taking them at their word, then that
9 means 10.2 percent of those folks on the voter rolls have
10 no ID now. So, those individuals would be potentially
11 disenfranchised; isn't that correct?

12 MS. BROWN: Absolutely not. We have
13 records that -- there's a million and a half more people
14 have driver's licenses that are registered to vote to
15 begin with. So, we know that there are a lot of --

16 MR. COLEMAN: Isn't it true that the number
17 of people with driver's licenses and the number of people
18 with voter registration cards is not an overlapping list?

19 MS. BROWN: Well, in all cases, it's not.
20 They are also --

21 MR. COLEMAN: -- driver's license, aren't
22 they potentially disenfranchised under this bill?

23 MS. BROWN: I think we're doing these
24 people a real favor when we suggest to them that they need
25 to go to DPS and get a photo ID.

1 MR. COLEMAN: Why are we doing them a
2 favor?

3 MS. BROWN: Because moving around in
4 today's society, you need to present proof of your
5 identity everywhere you go.

6 MR. COLEMAN: That's a bad thing, I think.

7 MS. BROWN: Would you rather the people got
8 on the airplane with you didn't have to prove they were
9 who they said they were?

10 MR. COLEMAN: Some people don't fly, so
11 they don't need to have an ED.

12 MS. BROWN: -- Blockbuster? Do they have a
13 library card?

14 MR. COLEMAN: Believe me, you can have any
15 kind of card to go to Blockbuster. Let me ask you another
16 question. Under the provisional ballots now where you go
17 in and you say, "I am a voter" and you don't have your
18 voter registration card, don't you do an affidavit the
19 same way that Mr. Anchia is talking about in his amendment
20 to say you are who you are and then your vote will be held
21 to the side proving -- once it's proven that's who you
22 are?

23 MS. BROWN: You say that you don't have
24 your voter registration card --

25 MR. COLEMAN: That's correct?

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1 MS. BROWN: Yes. It's not the same level.

2 MR. COLEMAN: If we take that affidavit as
3 proof that you are a valid voter on a provisional ballot,
4 why is it that we can't do that on -- in this case where
5 he says if you don't have an ID that you can do an
6 affidavit to say who you are under threat of prosecution?
7 Why isn't that enough?

8 MS. BROWN: What do you think is the
9 likelihood of someone not having a photo ID, not having
10 some kind of a document that's mailed to their house with
11 their name and address on it?

12 MR. COLEMAN: 2.2 percent in Harris
13 County --

14 SPEAKER: The gentleman's -- the lady's
15 time is expired. The point of order is well-taken and
16 sustained.

17 Chair recognizes Mr. Anchia to close.

18 MR. ANCHIA: Mr. Speaker, members, this is
19 a very simple amendment. It does not gut the bill. It
20 adds an additional opportunity for someone to identify
21 themselves in the bill. It says if you've got your
22 license, great, if you've got your military ID, terrific,
23 you can show that -- and that's all proof of
24 citizenship -- proof of identity. In fact, it doesn't
25 change the rules. If you have one of those documents, you

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1 are allowed to vote. The only thing that it changes is
2 that if you don't, like about 2 million Texans today and
3 about 10 percent of the population in Harris County, which
4 is what we got from that dialogue, you can issue a -- you
5 can affirm that you are, in fact, under penalty of perjury
6 the person who you say you are. And the important thing
7 about that, ladies and gentlemen, is the DA can be
8 forwarded those documents, the DA can receive those
9 documents, and investigate. And if you are not the person
10 you say you are, you will be prosecuted. You will pay
11 civil and criminal penalties. You will go to jail. And
12 if you don't think that's enough of a deterrent for people
13 for a problem that is yet to be established as existing,
14 then I don't know what the intent of the --

15 SPEAKER: For what purpose, Mr. Hochberg?

16 MR. HOCHBERG: Will the gentleman yield?

17 MR. ANCHIA: Yes, I yield.

18 MR. HOCHBERG: Mr. Anchia, have you seen
19 what Ms. Giddings has, been walking around with?

20 MR. ANCHIA: No, I haven't.

21 MR. HOCHBERG: Ms. Giddings has what
22 appears to be a Texas driver's license made out to someone
23 named Helen Giddings with a picture on it that is nothing
24 like the Helen Giddings we know that was used as identity
25 fraud -- in committing identity fraud and the document she

1 gave me says there was ultimately a conviction, but would
2 that imply to you that relying on -- on a driver's license
3 is not going to stop somebody who wants to commit fraud?

4 MR. ANCHIA: Here's the reality. What
5 we're trying to do here is create a rule that penalizes
6 the 99.99 percent of the people who are following the law
7 to try to catch one person. Essentially what we want to
8 do here with HB218 is burn down the entire forest because
9 we think there's some termites in the forest. We want to
10 burn down the entire East Texas Piney Woods because there
11 may be -- we don't know -- there may be -- even better.
12 We've heard of the Sasquatch, haven't we, Big Foot? We
13 don't know if Big Foot exists. There may be some evidence
14 that Big Foot exists. We're going to burn down the entire
15 forest just to make sure that he doesn't exist. And
16 that's what we're really doing here, and it really is a
17 shame. I will tell you --

18 MR. BERMAN: Mr. Berman, will the gentleman
19 yield?

20 SPEAKER: Will the gentleman yield?

21 MR. ANCHIA: Yes, I yield.

22 MR. BERMAN: In your amendment, is it
23 notarized? Is that how you make it foolproof?

24 MR. ANCHIA: It is under penalty of
25 perjury.

1 MR. BERMAN: Well, you mean just the
2 person's signature?

3 MR. ANCHIA: It is an affirmation that you
4 are the person who you say you are under penalty of
5 perjury with the appropriate penalties and civil and
6 criminal penalties and potential for prosecution pertinent
7 to that.

8 MR. BERMAN: Can you do that anywhere else
9 in our society without a notary stamp on it?

10 MR. ANCHIA: Sure, absolutely.

11 MR. BERMAN: Just your signature that --

12 MR. ANCHIA: Affirming that you are who you
13 are. That's exactly right. (Inaudible), so we did have
14 to notarization requirement included. If you want to
15 require that we have notary publics among the staff of our
16 voter -- poll workers, that's fine, too. But the reality
17 is that you should be able to come to vote. And if this
18 law passes and you're supposed to provide some form of ID
19 that you go -- that you can go to a poll worker and say,
20 "I am who I say I am, and under penalty of perjury I'm
21 going to write my name down right here and subject myself
22 to possible prosecution." You're talking about here is a
23 problem that doesn't exist. So...

24 MR. BERMAN: The problem does exist today.

25 MR. ANCHIA: We've heard no testimony in

1 committee about voter impersonation being a problem from
2 the AG and the Secretary of State.

3 MR. BERMAN: The AG has not convicted
4 anyone because the district attorney of Harris County said
5 that in order to convict someone we need a photo ID bill.
6 He's not even going to take a case unless there's a photo
7 ID bill.

8 MR. ANCHIA: My testimony was never
9 presented to the committee, and I would have enjoyed
10 receiving it, as well. In fact, much of the data we are
11 receiving now was never presented before the committee.
12 It seems like we're trying to identify data points that
13 will support a bill that was filed last session when we
14 had absolutely no evidence. This session when we've heard
15 no evidence before committee and we're trying to find a
16 little data points that will support this bill when, in
17 fact, none exists.

18 MR. BERMAN: You know the only thing that's
19 real here today? Mr. Gallego has a beautiful little boy
20 there.

21 MR. ANCHIA: Just one more quick before I
22 yield to Mr. Phillips. A couple data points that I just
23 want to visit. Representative Brown has suggested that
24 there are more driver's licenses in the State of Texas
25 than registered voters. I believe her when she says that.